

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.05.2021

CORAM

THE HONOURABLE MR.JUSTICE **G.CHANDRASEKHARAN**

Crl.O.P.No.9234 of 2021

Murthuza

...Petitioner

Versus

State of Tamil Nadu
Rep by its,
The Inspector of Police,
C-3, Seven Wells Police Station,
Chennai.
Crime No. 50 of 2021

...Respondent

Criminal Original Petition is filed under Section 439 of Cr.P.C
praying to enlarge the petitioner on bail in Crime No.50 of 2021 on the file
of the respondent police.

For Petitioner

Mr.S.Prem Kumar

For Respondent

Mr.S.Karthikeyan,
Addl. Public Prosecutor

ORDER

The petitioner was arrested and remanded to judicial custody on 21.04.2021 for the alleged offences punishable under Sections 294(b), 324, 307 and 506(ii) of IPC in Crime No.50 of 2021 pending on the file of the respondent police and hence, seeks bail.

2. The case of the prosecution is that the petitioner and the *de facto* complainant are brothers; due to previous enmity for the past several years, the petitioner is said to have attacked the *de facto* complainant with knife causing serious injuries. Therefore, this case came to be filed.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case due to previous enmity and prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent opposed this bail petition on the ground that the injury suffered by the *de facto* complainant is very serious and he had taken treatment as inpatient for 23 days. It is also submitted that the injured has been discharged from the hospital.

5. Taking note of the relationship between the parties and the nature of the dispute and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail, on he executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned **VII Metropolitan Magistrate Court, Georgetown, Chennai**, and on further conditions that:

(a) the petitioner shall report before the respondent police daily at 10.30 a.m and 5.30 p.m until further orders;

(b) the petitioner shall not abscond either during investigation or trial;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) on breach of any of the aforesaid conditions, the learned Magistrate Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner is released on bail by the learned Magistrate himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]***; and

(e) if the petitioner/accused thereafter absconds a fresh FIR can be registered under Section 229A IPC.

13.05.2021

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Note: Issue copy of this order today (i.e.,13.05.2021)

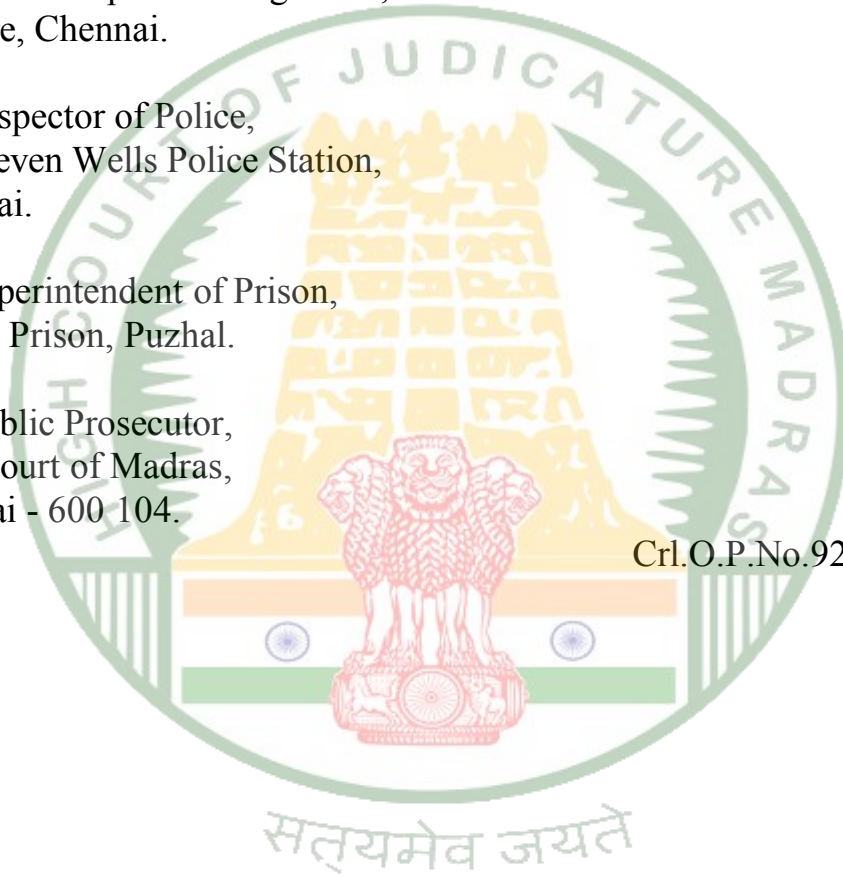
G.CHANDRASEKHARAN, J.

vji

To

- 1.The VII Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
C-3, Seven Wells Police Station,
Chennai.
- 3.The Superintendent of Prison,
Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court of Madras,
Chennai - 600 104.

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