



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.19236 of 2021

Kumaran

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Villupuram Town Police Station,
Villupuram.
(Crime No.458 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail pending investigation in Crime No.458 of 2021 on the file of the respondent police.

For Petitioner : M/s.Ilayaraja Kandasamy

For Respondent : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

The petitioner who was arrested on 12.09.2021 and remanded to judicial custody for the offences under Sections 341, 294(B), 323, 324, 307, 506(II) of IPC, in Crime No.458 of 2021 on the file of the respondent police, seeks bail.

2. This is the second bail application filed before this Court. The case of the prosecution is that there was a previous enmity between the petitioner and the defacto complainant, as a result of which, the petitioner along with other accused persons had attacked the defacto complainant with knife and caused grievous injuries on his neck. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 12.09.2021. He further submitted that earlier occasion, this Court had dismissed the bail application in Crl.O.P.No.17600 of 2021 on the ground that there are four previous cases pending against the petitioner. He further submitted that one case is ended in



acquittal and the petitioner is not involved in other two cases. He further submitted that now there is one previous case pending against the petitioner for the offence under Section 506(ii) of IPC. Therefore, he prays to grant bail to the petitioner.

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4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that earlier bail application was dismissed by this Court on the ground that there are four previous cases pending against the petitioner. However, the fact remains that now there is one previous case pending against the petitioner.

5. Considering the facts and circumstances of the case and also the fact that now there is one previous case pending against the petitioner for the offence under Section 506(ii) of IPC and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a 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 Judicial Magistrate Court No.I, Villuppuram, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

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

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



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-

20/10/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, VILUPPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILUPPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
VILLUPURAM TOWN POLICE STATION,
VILLUPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE
SUB JAIL, VILUPPURAM

+1 CC to M/S.ILAYARAJA KANDASAMY Advocate on payment of
necessary charges SR.No.11472

CRL OP.19236/2021

Date :20/10/2021

APN 21/10/2021