



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.11.2021

WEB COPY

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CrI.O.P.No.21058 of 2021

B.Raja

.. Petitioner

Vs.

State represented by
Inspector of Police
P-5, MKB Nagar Police Station
Chennai
(Crime No.1160 of 2021)

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in the above Crime No.1160 of 2021, pending investigation on the file of the respondent.

For Petitioner : Mr.S.Thamil Prabhu

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 10.10.2021 for the offences under Sections 341, 294(b), 323, 324, 397 and 506(ii) of IPC, in Crime No.1160 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 10.10.2021 at about 4.30 p.m., the defacto complainant had gone to Wine Shop for buying liquor. At that time, the petitioner along with his friends came there and asked him money for buying liquor. Since, the defacto complainant refused the same, the accused attacked the defacto complainant with hands and beer bottles. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the accused and the defacto complainant are friends and the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the petitioner has been suffering incarceration for more than 30 days from 10.10.2021. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate raised objection stating that the petitioner is arrayed as A3 and that A1 and A2 have also been arrested. He would further submit that the victim has been discharged from the hospital. However, the victim suffered 15 sutures on his face.

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5. Considering the fact that the investigation is almost completed and there is no previous case against the petitioner and also considering the period of incarceration undergone 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 X Metropolitan Magistrate, Egmore, Chennai, and on further conditions 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.

-sd/-

12/11/2021

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.



1 THE X METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
P-5, MKB NAGAR POLICE STATION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.THAMIL PRABHU Advocate on payment of necessary
charges SR.NO.12667

CRL OP.21058/2021

Date :12/11/2021

CSK 12/11/2021