



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2021

WEB COPY

CORAM:

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

Crl.O.P.No.23732 of 2021

Joseph @ Shoba

...Petitioner

Vs.

State of Tamilnadu
Rep. by Inspector of Police
Mamallapuram Police Station,
Chengalpattu Dist.
Crime No.585 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 Crime No.585 of 2021 on the file of the respondent Police.

For petitioner : Mr.C.Chandrasekar

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 14.10.2021 for the offence under **Sections 294(b), 323, 506(2) and 307 of IPC**, in Crime No.585 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that on 13.10.2021 at about 9.50 p.m, there was a quarrel between the de facto complainant's brother and the accused persons. At that time the petitioner stabbed the victim with knife. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that 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 already the co-accused has released on anticipatory bail and the petitioner has been suffering incarceration for more than 50 days from 14.10.2021 and hence, he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) would raise strong objection stating that the petitioner along with two others attacked the victim with knife due to which, he sustained grievous injuries. Though, the victim has been discharged from the hospital, he suffered 15 sutures in his stomach but admits that co-accused was already enlarged on anticipatory bail.

5. Considering the facts and circumstances of the case and the fact that co-accused already released on anticipatory bail and that the investigation is almost completed 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 Judicial Magistrate, Thirukazhukundram**, 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 during trial;

(d) the petitioner shall not abscond during 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.



7. Further, as per FIR, the victim sustained grievous injuries in his stomach. Thereby, the accused have been charged for the offences under Sections **294(b), 323, 506(2) and 307** of IPC. On considering the nature of injuries sustained by the victim, this Court recommends that it is a fit case to refer, **as per 357(A) (1) (2) and (6) of Victim Compensation Scheme**. The Legal Services Authority, Chengalpattu District, is hereby directed to pay a sum of Rs.50,000/- (Rupees Fifty Thousand Only) as interim compensation to the victim, in the manner known to law within a period of 2 weeks from the date of receipt of copy of this order.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-
08/12/2021

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,
THIRUKAZHUKUNDRAM, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MAMALLAPURAM POLICE STATION,
CHENGALPATTU DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

Copy to:

THE CHAIRMAN
LEGAL SERVICES AUTHORITY,
CHENGALPATTU DISTRICT

THE SECRETARY
LEGAL SERVICES AUTHORITY,
CHENGALPATTU DISTRICT



THE LEGAL SERVICES AUTHORITY,
CHENGALPATTU

+1 CC to M/S.C.CHANDRASEKAR Advocate on payment of necessary
charges SR.NO.14254

CRL OP.23732/2021

Date :08/12/2021

TA-08/12/2021