



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P.No.2890 of 2022

Arunkumar

...Petitioner

Vs.

The State rep by its
The Inspector of Police
Walajabad Police Station
Kancheepuram District
(Crime No.1032 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.1032 of 2021 on the file of the respondent police.

For Petitioner : Mr.S.T.Raja

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 13.12.2021 for the offences under Sections 294(b), 323, 341, 307, 324 and 506(2) of IPC, in Crime No.1032 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to money dispute, the petitioner waylaid the brother of the defacto complainant and his friend namely Raji and attacked them with knife and caused injuries. Hence, the complaint.

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. However, the petitioner is ready to abide by any condition imposed by this Court. He would further submit that the petitioner is in judicial custody from 13.12.2021 onwards. Hence, he would pray for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police would submit that due to previous enmity, during the time of occurrence, the petitioner assaulted the brother of the defacto complainant and his friend and caused grievous injuries. However, she conceded that the portion of investigation has been completed.

5. The submissions made by the learned Counsel on either side are considered.

6. Taking into consideration of the fact that the persons who sustained injuries in the alleged occurrence were discharged from the hospital as well as, the petitioner is in incarceration for 55 days from 13.12.2021 onwards, this Court is inclined to grant bail to the petitioner with certain conditions.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Learned Judicial Magistrate-II, Kancheepuram, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall stay at Trichy and report before the Fort Police Station daily at 10.00 a.m. until further orders

(e) the petitioner shall not commit any offences of similar nature;

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

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

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];



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

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

-sd/-
08/02/2022

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.2,
KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENGALPATTU DISTRICT (FOR INFORMATION).

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL ,CHENNAI.

4 THE INSPECTOR OF POLICE,
WALAJABAD POLICE STATION,
KANCHEEPURAM DISTRICT.

5 THE OFFICER INCHARGE,
FORT POLICE STATION, TRICHY.

6 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S.S.T.RAJA Advocate on payment of necessary charges
SR.NO.2083

CRL OP.2890/2022

Date :08/02/2022

INBA~08/02/2022