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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.2783 of 2022

Ayyappan

...Petitioner

Vs.

The State rep by
The Inspector of Police,
Valasaravakkam Police Station
Chennai.
(Crime No.1 of 2022)

... 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.1 of 2022 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

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 03.01.2022 for the offences under Section 294(b), 324, 307 and 506(ii) of IPC in Crime No.1 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner demanded liquor for consuming from the defacto complainant after bar hours and since, the defacto complainant refused the same, the petitioner along with other accused, abused and assaulted the defacto complainant with knife and caused injuries to the defacto complainant. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and a false case has been foisted against him and that the petitioner has been suffering incarceration for more than 30 days from 03.01.2022. He would further submit that as of now the injured person in this case has been discharged from the hospital and hence, he would pray for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police fairly conceded that in the alleged occurrence, the victim sustained only simple injury and as of now, he has been discharged from the hospital.

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

6. Taking into consideration of the fact that the victim sustained only simple injury and as of now he has been discharged from the hospital and the petitioner is in judicial custody from 03.01.2022, this Court is of the opinion that the custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, 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 execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Learned Judicial Magistrate-1, Poonamallee, 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 report before the respondent police daily at 10.30 a.m. for a period of 30 days and thereafter, as and when required for interrogation.

(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.

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

-sd/-

07/02/2022

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.I, POONAMALLEE

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
VALASARAVAKKAM POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges
Sr.2068

CRL OP.2783/2022

Date :07/02/2022

RVR 08/02/2022