



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

CrI.O.P.No.2999 of 2022

Botha @ Bothai @ Dineshkumar

...Petitioner

Vs.

The State by
Inspector of Police,
H-3 Tondiarpet Police Station,
Chennai.
(Crime No.1368 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to grant bail to the petitioner in Crime No.1368 of 2021 on the file of the respondent police.

For Petitioner : Mr.J.P.Ravivarman

For Respondent : Mrs.G.V.Kasthuri
Additonal Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 29.12.2021 for the offences under Sections 147, 148, 341, 324, 307, 506(2) of IPC in Crime No.1368 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity between the first accused and the de facto complainant, the petitioner along with other accused attacked the de facto complainant with knife. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the person, who sustained injury at the relevant point of time was discharged from the hospital and therefore, custodial interrogation may not be necessary in this case. It is the further submission that the petitioner is in judicial custody from 29.12.2021. Hence, he prayed to allow this petition.



4. The learned Additional Government Pleader appearing for the respondent police vehemently opposed this petition stating that due to previous enmity, the petitioner along with other accused attacked the de facto complainant with knife. However, she admits that the person, who sustained injury was discharged from the hospital.

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

6. The petitioner is arrayed as A-3 in the petition mentioned Crime Number. The offences under Sections 147, 148, 341, 324, 307, 506 (2) of IPC have been registered against the petitioner. Admittedly, the petitioner is not having any previous case. Further, he has been incarceration from 29.12.2021. Therefore, on considering the period of incarceration and also due to the reason that the petitioner is the first offender, this Court is inclined to grant bail to the petitioner. 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), with two sureties, each for a like sum to the satisfaction of the learned XV Metropolitan Magistrate, George Town, Chennai and on further conditions that:

(a) 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;

(b) the petitioner shall appear before the Trichy Fort Police Station daily at 10.00 a.m. until further orders;

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

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

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

(f) 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];



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

WEB COPY

-sd/-

09/02/2022

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 XV METROPOLITAN
MAGISTRATE, GEORGE TOWN, CHENNAI.

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

3 THE SUPERINTENDENT,
PUZHAL JAIL, CHENNAI.

4 THE INSPECTOR OF POLICE,
H-3 TONDIARPET POLICE STATION,
CHENNAI.

5 THE OFFICER INCHARGE,
TRICHY FORT POLICE STATION,
TRICHY.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.J.P.RAVIVARMAN Advocate on payment of necessary charges SR.NO.2130

CRL OP.2999/2022

Date :09/02/2022

RW 10/02/2022