



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.2985 of 2022

Viji @ Vijayakumar

...Petitioner

Vs.

State Rep by
The Inspector of Police
Kandachipuram Police Station
Villupuram District.
Crime No.35 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.35 of 2022 on the file of the respondent police.

For Petitioner : Mr.C.Saravanabhavan

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

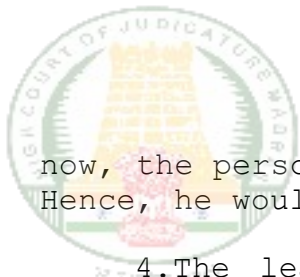
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 17.01.2022 for the offences under Sections 147, 148, 341, 294(b), 323, 324, 506(ii), 307 IPC, in Crime No.35 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the date of the occurrence, when the defacto complainant was standing nearby his house, the petitioner and other accused who came in bike, abused and assaulted the defacto complainant by using deadly weapons. Hence the case.

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 and that the petitioner is in judicial custody from 17.01.2022 onwards. However, the petitioner is ready to abide by any condition imposed by this Court. He would further submit that as of



now, the person who sustained injury was discharged from the hospital. 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 during the time of occurrence, the petitioner and 11 others, due to previous enmity attacked the defacto complainant and caused grievous injuries. However, she would fairly admits that the part 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 petitioner is in judicial custody from 17.01.2022, as well as for the reason that the injured is discharged from the hospital, this Court is inclined to grant bail to the petitioner subject to the following 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, Thirukkivilur, 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 Krishnagiri and report before the Town Police Station daily at 10.30 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.

7. 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,
THIRUKKOVILUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KANDACHIPURAM POLICE STATION,
VILLUPURAM DISTRICT.

4 THE OFFICER INCHARGE
DISTRICT JAIL, VEDAMPATTU, VILLUPURAM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE OFFICER CHARGE,
THE TOWN POLICE STATION,
KRISHNAGIRI.

CC to M/S.M.KARTHIK Advocate on payment of necessary charges

CRL OP.2985/2022

Date :08/02/2022

CSK 09/02/2022