



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P. No.4485 of 2022

Praveen

... Petitioner / A-3

versus

The State represented by
The Inspector of Police
M-7 Manali New Town Police Station,
Chennai City.
(Crime No.5 of 2022)

... Respondent / Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail pending investigation in Crime No.5 of 2022 on the file of the respondent police.

For Petitioner : Mr.D.Mario Johnson

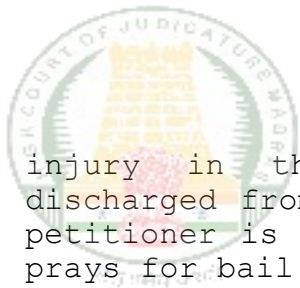
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner/A-3, who was arrested and remanded to judicial custody on 04.01.2022 for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324, 307, 506(ii) and 302 of IPC in Crime No.5 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a wordy quarrel arose between two groups, in which, the petitioner along with other accused assaulted the de facto complainant and others with iron rod and wooden log. 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. He would further submit that, in the complaint lodged before the respondent police, the de facto complainant does not say about the petitioner. Further, the persons, who are all sustained



injury in the alleged occurrence, after completing treatment discharged from the hospital. It is his specific submission that the petitioner is in judicial custody from 04.01.2022 onwards. Hence, he prays for bail.

4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. In otherwise, she did not raise any specific objection as to the present petitioner.

5. Considered the submissions made by the learned counsel appearing on either side. The respondent police registered a case against the petitioner for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324, 307, 506(ii) and 302 of IPC. The averments found in the First Information Report would disclose the fact that, during the relevant point of time, two groups were quarreled with each other, wherein some of them assaulted the other group with iron rod and caused injuries. In the petition mentioned FIR, the name of the petitioner was not found place. Further, the petitioner is in judicial custody from 04.01.2022 onwards.

6. Therefore, taking note of all the above said aspects into consideration and also considering the fact that the petitioner is in incarceration from 04.01.2022 onwards, this Court is inclined to grant bail to the petitioner subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Ponneri;

(b) 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;

(c) the petitioner is directed to appear before the Mailam Police Station daily at 10.00 a.m. until further orders;

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

(e) 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];

WEB COPY

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

-sd/-
25/02/2022

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,
PONNERI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
M7, MANALI NEW TOWN POLICE STATION,
CHENNAI CITY.

4 THE INSPECTOR OF POLICE,
MAILAM POLICE STATION, VILLUPURAM

5 THE SUPERINTENDENT,
CENTRAL PRISON-II, PUZHAI, CHENNAI.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. D.MARIO JOHNSON Advocate on payment of necessary charges SR.NO.3014

CRL OP.4485/2022

Date :25/02/2022

JPA 28/02/2022