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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P. No.5953 of 2022

Arun

... Petitioner / Accused-1

versus

State: Rep. by
The Inspector of Police,
Mangadu Police Station.
Chennai District.
(Crime No.36 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 in Crime No.36 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.G.Balamanikandan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.01.2022 for the offences punishable under Sections 294(b), 307 and 341 of IPC in Crime No.36 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused waylaid the *defacto* complainant and assaulted him with a wooden log and also pelted stones on him. Due to which, the *defacto* complainant sustained injuries on his head and abrasion on his left hand and right hand's ring finger. Hence, the complaint.

3. The learned counsel appearing 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 the petitioner is in judicial custody from 20.01.2022 onwards. Hence, he prays for bail.



4. The learned Government Advocate (Crl. Side) appearing for the respondent police raised objection stating that investigation is pending. He would further submit that the petitioner is having two previous cases, in which, one case was registered for the offence punishable under Section 302 of I.P.C. It is his specific submission that the petitioner was detained under Goondas Act and hence, if this type of petitioner is released on bail, he may try to tamper the witness and hamper the investigation.

5. The submissions made by the learned counsel appearing on either side are considered. The respondent police registered a case as against the petitioner for the offences punishable under Sections 294(b), 307 and 341 of IPC. Admittedly, in the alleged occurrence, the person, who sustained injury, got discharged from the hospital after taking treatment. More than that the injury sustained by the injured is simple in nature. Though the petitioner is having two previous cases, he was released on bail in both the cases. Further, the detention order passed against him was revoked and also the petitioner is in judicial custody from 20.01.2022. Therefore, further custody of the petitioner may not be necessary for completing the investigation.

6. Hence, taking note of all the above said aspects into consideration and having regard to the nature of offence committed by the petitioners and also by considering the period of incarceration and for the reason that the petitioner was enlarged on bail in previous cases, 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, Sriperumbudur;

(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 Chinnasalam Police Station, Kallakurichi District, 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];

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

-sd/-
16/03/2022

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,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
MANGADU POLICE STATION,
CHENNAI DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



6 THE INSPECTOR OF POLICE/STATION HOUSE OFFICER,
CHINNASELAM POLICE STATION,
KALLAKURICHI DISTRICT.

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+1CC to M/S. G.BALAMANIKANDAN Advocate on payment of necessary
charges SR.No.4023

CRL OP.5953/2022

Date :16/03/2022

CSK 16/03/2022