



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2022

CORAM:

THE HON'BLE MR.JUSTICE G.CHANDRASEKHARAN

Cr1.O.P.No.6276 of 2022

Mukindhar Amarnath

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Mappedu Police Station,
Tiruvallur District.
(Crime No.35 of 2021)

... 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 2021 on the file of respondent of Police.

For Petitioner : Mr.G.Thamizhazhagan

For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner/A2, who was arrested on 24.02.2022 for the offences punishable under Sections 341, 294(b), 307, 506(ii) of IPC read with 25(1)(a) Arms Act 1959, in Crime No.35 of 2021, on the file of the respondent police, seeks bail.

2.The allegation made against the petitioner and the other accused is that on 22.02.2022 at about 04.30 p.m., when the defacto complainant went to the gym, the petitioner and the co-accused waylaid him and picked up quarrel alleging that the defacto complainant is



speaking against them and tried to attack him with a long Aruval and threatened him with dire consequences. Thus, the defacto complainant escaped from the attack. Therefore, this case.

3. Learned counsel for the petitioner submitted that the petitioner is innocent and falsely implicated in this case. He is in custody from 24.02.2022.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent Police.

5. Taking into consideration of the fact that the investigation is not completed and the petitioner has one case registered under Section 506(ii) IPC and considering the rival submissions, in the case on hand, no injury is caused to the defacto complainant and the petitioner is in custody from 24.02.2022, this Court grants bail to the petitioners herein and they are ordered to be released on bail subject to the following conditions;

(a) the petitioner shall execute a 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 Judicial Magistrate -II, Tiruvallur.

(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 report before the respondent police station daily at 10.00 a.m. for a period of 30 days.

(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.

WEB COPY

-sd/-
18/03/2022

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,
NO.II, TIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
MAPPEDU POLICE STATION,
TIRUVALLUR DISTRICT.

4 THE OFFICER INCHARGE
SUB JAIL, TIRUTTANI,
TIRUVALLUR DISTRICT

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.THAMIZHAZHAGAN Advocate on payment of necessary charges SR.NO.4172

CRL OP.6276/2022

Date :18/03/2022

JPA 18/03/2022