



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11577 of 2022

1 DAVID

[PETITIONERS / ACCUSED]

2 BALA KUMAR

Vs

STATE REP BY ITS

[RESPONDENT]

THE INSPECTOR OF POLICE,
AMBATTUR POLICE STATION,
CHENNAI

CRIME NO.336 OF 2022

For Petitioner : M/S.D.DAYALAN Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl.side)

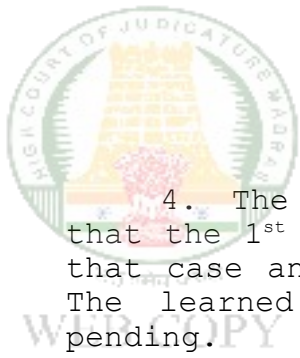
PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who were arrested and remanded to judicial custody on 29.04.2022 for the alleged offences under Section 147, 148, 341, 294(b), 323, 324, 395, 397 & 506(ii) of IPC in Crime No.336 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the uncle of the defacto complainant died and the accused persons came to attend the funeral. At that point of time, there was a wordy quarrel between the accused persons and the defacto complainant. The further case of the prosecution is that two days later when the defacto complainant was walking with his nephew in a playground, the accused persons attacked them and took away a sum of Rs.650/- by threatening them with knife. There are totally ten accused persons in this case and the petitioners are ranked as A-5 and A-7.

3. The learned counsel for the petitioners submitted that the petitioners have already suffered incarceration for nearly 19 days and they have been falsely implicated in this case.



4. The learned Government Advocate (Criminal Side) submitted that the 1st petitioner had one previous case and he was acquitted in that case and there was no previous case against the 2nd petitioner. The learned counsel further submitted that the investigation is pending.

5. Taking into consideration of the facts and circumstances of the case and also of the fact that the petitioners have suffered incarceration for nearly 19 days and there are no bad antecedents against the petitioners, this Court is inclined to grant bail to the petitioners.

6. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of Rs.5,000/- (Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Ambattur, District and on further conditions that:-

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police every Friday at 6.30 pm, for a period of six weeks and thereafter as and when required.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
18/05/2022

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,
AMBATTUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AMBATTUR POLICE STATION,
CHENNAI

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

+1 CC to D.DAYALAN Advocate on payment of necessary charges
SR.No. 7344

CRL OP.11577/2022

Date :18/05/2022

SP(19/05/2022)