



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Twenty Fifth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M.NIRMALKUMAR

CRIMINAL ORIGINAL PETITION No.11591 of 2022

BILLIE @ SAMIYULLAH

[PETITIONER / ACCUSED]

Vs

STATE REP BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ICE HOUSE POLICE STATION,
CHENNAI.
CR.NO.226/2022.

For Petitioner : M/S.S.VALARMATHI Advocate

For Respondent : M/S. A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR BAIL 439 Cr.P.C.

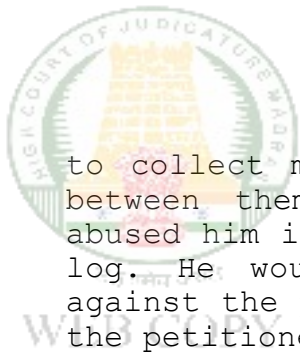
ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 07.05.2022 for the alleged offence under Sections 294(b), 323, 341, 324, 447, 448, 307 and 506(ii) of IPC in Crime No.226 of 2022 on the file of the respondent police, seek bail.

2. The contention of the petitioner is that the petitioner and the defacto complainant are friends and they used to collect mamool, however, on 07.05.2022, when the petitioner was called by the defacto complainant for collection of mamool, he refused, due to which, there was a wordy quarrel between the petitioner and defacto complainant, thereby, the petitioner along with other accused said to have abused him in filthy language and assaulted him with knife and wooden log and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner would submit that in this case, A2 was granted bail on 18.05.2022 and A4 and A5 were granted bail on 11.05.2022 by the Sessions Court. Hence, he seeks bail to the petitioner.

4. Learned Additional Public Prosecutor would submit that the petitioner and the defacto complainant are friends and on the date of occurrence, as the petitioner was called by the defacto complainant



to collect mamool, he refused it, hence, there was a wordy quarrel between them, in which, the petitioner along with other accused abused him in filthy language and assaulted him with knife and wooden log. He would submit that there are six previous cases pending against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration of the above facts and circumstances and considering the fact that A4 and A5 were granted bail by the Sessions Court and also considering the fact the petitioner has suffered incarceration for nearly 18 days, this Court is inclined to grant bail to the petitioner subject to following conditions.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 II Metropolitan Magistrate Egmore, Chennai 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 petitioner shall report before the respondent police daily at 10.30 am for a period of two weeks.

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

[d] the petitioner 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 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/-

25/05/2022

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.



1 II METROPOLITAN MAGISTRATE
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
ICE HOUSE POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

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

CRL OP.11591/2022

Date :25/05/2022

RVR 26/05/2022