



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.11681 of 2022

IMMAN @ IMMANUVEL

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE,
MANGADU POLICE STATION,
CRIME NO.300 OF 2022.

[RESPONDENT]

For Petitioner : M/S.R.NARESH KUMAR 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 petitioner, who was arrested and remanded to judicial custody on 12.04.2022 for the alleged offence under Sections 341, 294(b), 336, 392, 397, 506(ii) of I.P.C. in Crime No.300 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant was running a tiffin stall and the petitioner along with two other accused persons had food and refused to give money. When the same was questioned, they abused the defacto complainant in filthy language and assaulted him and took away a sum of Rs.300/- from the defacto complainant. There are totally three accused persons in this case and the petitioner has been arrayed as A.2.

3. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case and that he has already suffered incarceration for nearly 35 days.



4. Learned Government Advocate (Criminal Side) submitted that the petitioner helped A.1 to attack the shop keeper with knife and hence, he actively participated in the crime. The learned Government Advocate (Crl. Side) further submitted that there are no previous cases against the petitioner/accused.

5. Taking into consideration the facts and circumstances of the case and the petitioner is in incarceration for more than 30 days and also the petitioner has no previous cases against him, the petitioner will be entitled for bail. In view of the same, this Court is inclined to enlarge the petitioner on bail subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Kancheepuram, 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 at 6.30 p.m every Friday for a period of eight (8) weeks and thereafter as and when required.

[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/-
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,
KANCHEEPURAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MANGADU POLICE STATION,
KANCHEEPURAM

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.NARESH KUMAR Advocate on payment of necessary charges SR.NO.7262

CRL OP.11681/2022

Date :18/05/2022

JPA 20/05/2022