



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. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12409 of 2022

1 M.SANTHOSH KUMAR

[PETITIONERS / ACCUSED]

2 P.VIGNESHWARAN @ VICKI

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
M-1 MADHAVARAM POLICE STATION,
MADHAVARAM
CHENNAI - 600 110
CRIME NO.415 OF 2022.

[RESPONDENT]

For Petitioner : M/S.R.GANESH KUMAR Advocate

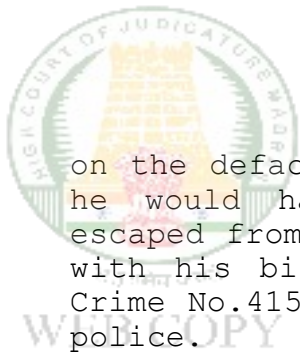
For Respondent : M/S.A.DAMODARAN, Additional Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who were arrested on 20.04.2022 and remanded to judicial custody on 21.04.2022 for the alleged offences under Sections 341, 294(b), 353, 307, 506(ii) IPC in Crime No.415 of 2022 on the file of the respondent police, seek bail.

2.The petitioners, A1 and A2 in Crime No.415 of 2022 were arrested on 20.04.2022. The alleged occurrence is said to have taken place on 19.04.2022 at about 16.30 hours. The contention of the petitioners is that while the defacto complainant who is the Sub Inspector of Police of Armed Police, Chennai, was on duty in the District Munsif cum Judicial Magistrate, Madhavaram, and brought the three accused for remand, at that time, the first petitioner came there with knife and attempted to assaulted them. When the defacto complainant intervened, the first petitioner attempted to cause injury



on the defacto complainant. The defacto complainant evaded otherwise he would have sustained grievous injuries. The first petitioner escaped from the scene of occurrence, the second petitioner was ready with his bike and both the petitioners escaped. Hence, a case in Crime No.415 was registered against the petitioners by the respondent police.

3.The contention of the petitioners is that the first and the second petitioners are cousins and they were having liquor on 18.04.2022 in a wine shop. At that time, one Yuvaraj, Loganathan and Mahesh came there, created ruckus and when the same was questioned by these petitioners, they were assaulted, sustained injuries and got treatment at Stanley Medical Hospital and a case was registered against those three persons in Crime No.143/2022 by the respondent police. Thereafter, another case was foisted against the petitioners in Crime No.416/2022 by the respondent police stating that they were in possession of ganja of 1kg and 400gm and when they attempted to escape, petitioners sustained injuries later remanded in this case. According to the petitioners, the case in Crime No.416/2022 is a foisted case, getting enraged, since the police was questioned. The petitioners were brutally assaulted, sustained fracture the first petitioner is now taking treatment at Stanely Government Hospital.

4.Learned Additional Public Prosecutor appearing for the respondent submitted that the first petitioner got six previous cases against him and as regards the second petitioner, he has no previous cases.

5. Considering the above submission, this Court is inclined to enlarge the second petitioner alone on bail subject to imposing conditions, and dismiss this petition as far as the first petitioner is concerned. Accordingly, this petition is dismissed against the first petitioner.

6. As far as the second petitioner is concerned, he 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 Judicial Magistrate, Madhavaram, 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 second petitioner shall report before the respondent police as and when required.

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



[d] the second 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 this 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.

TO

1 THE JUDICIAL MAGISTRATE,
MADHAVARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

4 THE INSPECTOR OF POLICE,
M-1 MADHAVARAM POLICE STATION,
MADHAVARAM
CHENNAI - 600 110.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.GANESH KUMAR Advocate on payment of necessary charges SR.NO. 7834

CRL OP.12409/2022

Date :25/05/2022

RW-26/05/2022