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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.OP.No.13303 of 2022

M.Santhosh Kumar

..Petitioner

Vs.

State rep by
The Inspector of Police,
M-1, Madhavarm Police Station,
Madhavaram, Chennai-600 110.
(Crime No.415 of 2022)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.415 of 2022 pending investigation on the file of the respondent Police.

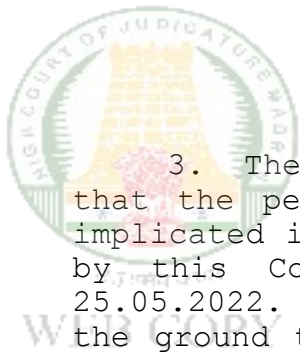
For Petitioner : Mr.R.Ganesh Kumar

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.04.2022 for the offence punishable under Sections 341, 294(b), 353, 307, 506(ii) of IPC in Crime No.415 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that when the respondent Police was taking the accused to remand them, the petitioner had attempted to attack the accused persons who were in the custody of the respondent Police. When the defacto complainant had attempted to protect the accused persons from sustaining injury, the petitioner had attempted to cause injury to the defacto complainant. Hence, the present case.



3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. A2 was already arrested and released on bail by this Court in CrI.O.P.No.12409 of 2022 by an order dated 25.05.2022. However, the petitioner's application was dismissed on the ground that the petitioner so far involved in 7 previous cases. However, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that there are totally 2 accused in which, the petitioner is arrayed as A1. According to the case of the prosecution, the petitioner is a habitual offender and so far involved in 7 previous cases. The petitioner and another attacked the persons who were arrested by the respondent Police in the Police Station and the Police Personnels prevented the petitioner from attacking the persons who were arrested by the respondent Police. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case, and also taking note of the fact that the petitioner is in judicial custody from 20.04.2022, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on her executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related 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 petitioner shall stay at Ulundhurpet and report before The Inspector of Police, Ulundhurpet Police Station daily Morning at 10.30 a.m. and Evening 05.00 p.m, for a period of two weeks and thereafter report before the respondent Police daily at 10.30 a.m, until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[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 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.

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10/06/2022

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
TIRUVALLUR [FOR INFORMATION]

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

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE
ULUNDHURPET POLICE STATION,
ULUNDHURPET.

+1CC to M/S R.GANESH KUMAR Advocate on payment of necessary charges SR.No.8791

CRL OP.13303/2022

Date :10/06/2022

CSK 10/06/2022