



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM

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

CrI.OP.No.14279 of 2022

Harish

..Petitioner/ A2

Vs.

The State Rep. by
The Inspector of Police,
Thammampatty Police Station,
Salem District
crime No.93 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.93 of 2022 on the file of the respondent police.

For Petitioner : M/s.S.Vinodha

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.05.2022 for the offence punishable under Sections 392 & 397 of IPC in crime No.93 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that on 05.05.2022, when the defacto complainant went to hospital at 11.00 p.m., at that time, three persons asked the address of wine shop and picked up quarrel using filthy language. At that time, they also assaulted with weapon and caused injuries on head. Hence, the 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. He would further submit that the petitioner is a college student and the co-accused was already granted bail by this Court in CrI.OP.No.13576 of 2022 dated 13.06.2022. Hence, 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 three accused, in which the petitioner is A2, who along with other accused persons waylaid the defacto complainant and snatched two cell phones at knife point. He would further submit that the petitioner has four previous cases similar in nature. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner, this Court is inclined to grant bail to the petitioner. 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 blood related sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.2, Attur 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 Chennai and report before the Inspector of Police, Harbour Police Station, Chennai daily at 10.30 a.m. and 05.30 p.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.

-sd/-

22/06/2022

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,
NO.2, ATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THAMMAMPATTY POLICE STATION,
SALEM DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, ATTUR.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE
HARBOUR POLICE STATION,
CHENNAI.

+1CC to M/S.S.VINODHA Advocate on payment of necessary charges
SR.No.9689

CRL OP.14279/2022

Date :22/06/2022

CSK 22/06/2022