



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2022

CORAM

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

CrI.OP.No.14418 of 2022

Rajesh

..Petitioner/A3

Vs.

The State rep.by,
The Inspector of Police,
Ennore Police Station,
Chennai
crime No.230 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.230 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 23.03.2022 for the alleged offence under Sections 147, 148, 294 (b), 323, 324, 307 and 506(2) of IPC altered into sections 147, 148, 294(b), 323, 324, 302 and 506(2) IPC in Crime No.230 of 2022 on the file of the respondent police, seeks bail.

2. The case of prosecution is that the petitioner is A3. A2 said to have assaulted the defacto complainant's husband with wooden log on 23.03.2022 and thereafter, he succumbed to injury on 01.04.2022.

3. The learned counsel for the petitioner would submit that there was only a wordy quarrel due to unnecessary talks of the husband of the defacto complainant with the wife of the first accused. The petitioner has not assaulted him. However, a false complaint has been registered against the petitioner. He would further submit the co accused persons were granted bail by this Court in CrI.OP.No.12389 of 2022 dated 25.05.2022. Hence, he seeks for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor appearing for the respondent police would submit that on the occurrence day, the accused persons attacked the defacto complainant's husband, thereby he sustained injuries and died on 01.04.2022. He would further submit that the petitioner is arrayed as A3 in this case and he has four previous cases.

5. Considering the above facts and circumstances of the case and also considering that co-accused has been granted bail by this Court, 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, Thiruvottiyur 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 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/-

23/06/2022

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.



1 THE JUDICIAL MAGISTRATE,
THIRUVOTTIYUR.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

4 THE INSPECTOR OF POLICE
ENNORE POLICE STATION,
CHENNAI

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary
charges SR.NO. 9851

CRL OP.14418/2022

Date :23/06/2022

RW-23/06/2022