



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2022

CORAM

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

CrI.OP.No.14717 of 2022

Naveen Kumar @ Naveen

..Petitioner/A5

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
H-1, Washermenpet Police Station,
Chennai
crime No.310 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.310 of 2022 pending investigation on the file of the respondent police.

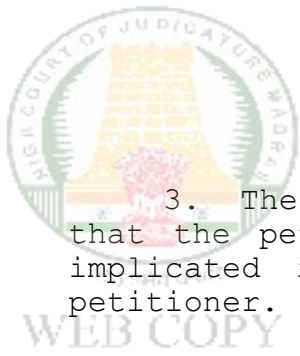
For Petitioner : Mr.M.Illiyas

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.04.2022 for the offence punishable under Sections 147, 148, 341, 323, 324, 307 of IPC r/w Sections 8(c), 22(c), 29(1) of NDPS Act, 1985 in crime No.310 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that on 19.04.2022 at about 14.35 hrs, the respondent received information that 10 members having knife and beer bottles and assaulted 3 members. The respondent went to Stanley Government Hospital, where the three members were admitted as in patient. On enquiry, it was informed that one, Vignesh and his friends entered the theatre and there arose a wordy quarrel between A1 and defacto complainant and two others. Thereafter, the petitioner's friends and others waylaid the defacto complainant and his friends and assaulted them. 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. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that there are totally 10 accused, in which the petitioner is arrayed as A5. On the date of occurrence, there was a wordy quarrel between two groups in a cinema theatre. They started attacking each other with knife abusing in filthy language, in which three persons injured. He would further submit that from A1 to A3, five knives were recovered and 25 tablets of MDMA Ecstasy (13.5 grams) were recovered from the accused persons. As far as this petitioner, no recovery was made and injured was discharged from hospital on 19.04.2022.

5. It is seen that there are 10 accused, in which the petitioner is arrayed as A5. There was quarrel between two groups, in which A1 and other accused persons along with the petitioner attacked the injured. Thereafter, A1 to A3 were found in possession of 15 tables of MDMA Ecstasy, which is a commercial quantity. However, the petitioner was not in possession of any contraband and the injured was also discharged from the hospital.

6. 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 XV Metropolitan Magistrate, George Town, Chennai 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 Vellore and report before the Inspector of Police, Sathuvachari Police Station, Vellore daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter 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/-

27/06/2022

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 METROPOLITAN MAGISTRATE,
NO.XV, GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

4 INSPECTOR OF POLICE,
H1, WASHERMENPET POLICE STATION,
CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
SATHUVACHARI POLICE STATION,
VELLORE.

CC to M/S.M.ILLIYAS Advocate on payment of necessary charges

CRL OP.14717/2022

Date :27/06/2022

RW-28/06/2022