



Crl.OP.No.16556 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2022

CORAM

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

Crl.OP.No.16556 of 2022

Shan Basha

..Petitioner/A1

Vs.

State rep by the Inspector of Police,
Ice House Police Station,
Chennai.

(Crime No.226 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.226 of 2022 on the
file of the Respondent Police.

For Petitioner : Mr.J.Franklin

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 07.05.2022 for the offence under Sections 294(b), 323, 341,
324, 447, 448, 307 & 506(ii) of IPC in crime No.226 of 2022 on the file
of the respondent police, seeks bail.



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2. The case of the prosecution is that on 07.05.2022, at about 01.45. a.m., the petitioner along with other accused abused the *de-facto* complainant in filthy language, assaulted him with knife and also threatened him to do away his life. Hence, the case.

3. There are totally five accused, in which the petitioner is arrayed as A1. He was arrested and remanded to judicial custody on 07.05.2022. The injured person already discharged from the hospital. However, before the date of occurrence, he executed bond under Section 110 of Cr.P.C. before the concerned Revenue officials. While pending the bond period, he committed this offence and as such, the Executive Magistrate initiated the proceedings under Section 122 of Cr.P.C. and he was also detained for remaining bond period.

4. However, in this case, 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



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only) with two blood related sureties, each for a like sum to the satisfaction of the **learned II Metropolitan Magistrate Egmore, 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 report before the respondent police twice daily at 10.30 a.m. and 5.30 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.

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mpl

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G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The II Metropolitan Magistrate Egmore, Chennai.
- 2.The the Inspector of Police,
Ice House Police Station,
Chennai.
- 3.Central Prison,
Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court of Madras

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