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CrI.OP.No.19491 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2022

CORAM

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

CrI.OP.No.19491 of 2022

Karthick

...Petitioner

Vs.

State: rep. by
Inspector of Police,
Mohanur Police Station,
Namakkal District.
Crime No.186 of 2022

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail, pending investigation in Crime No.186 of 2022 on the file of the Inspector of Police, Mohanur Police Station, Namakkal District.

For Petitioner :Mr.B.Vasudevan

For Respondent :Mr.A.Gopinath,
Government Advocate (CrI.Side)

ORDER

The petitioner was arrested and remanded to judicial custody on 25.07.2022 for the offences punishable under Sections **294(b), 323**



Crl.OP.No.19491 of 2022

and 307 of IPC in Crime No.186 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to wordy quarrel in front of a wine shop, the petitioner along with co-accused assaulted the *de-facto* complainant with knife. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that there are totally three accused persons, in which the petitioner is arrayed as A1. The petitioner along with other accused persons had assaulted *de-facto* complainant with knife. The injured has been discharged from the hospital on 01.08.2022. He further submitted that there are 3 previous cases pending as against the petitioner. Hence, he vehemently opposed for granting bail to the



CrI.OP.No.19491 of 2022

petitioner.

5. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e., 25.07.2022, 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 sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate-II, Namakkal**, 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 Chengalpattu and report before the Inspector of Police, Chengalpattu Police Station twice daily at 10.30 a.m. and 5.30 p.m. for a period of four weeks and thereafter report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

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



CrI.OP.No.19491 of 2022

WEB COPY

[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.

23.08.2022

mpl



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CrI.OP.No.19491 of 2022

G.K.ILANTHIRAIYAN, J.

mpl

To

- 1.The Judicial Magistrate-II,
Namakkal.
- 2.The Inspector of Police,
Mohanur Police Station,
Namakkal District.
- 3.Central Prison, Salem.
- 4.The Public Prosecutor,
High Court of Madras

CrI.O.P.No.19491 of 2022

23.08.2022