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Crl.O.P.No.22352 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2022

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.22352 of 2022

Velankanni M

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kanathur Police Station,
Pallikaranai, Tambaram City.

(Crime No.155 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail pending investigation in connection
with the Crime No.155 of 2022 on the file of the respondent Police.

For Petitioner	:	Mr.L.Prem Kumar
For Respondent	:	Mr.C.E.Pratap Government Advocate (Crl.Side)
For Intervener	:	Mr.A.Sasikumar



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.09.2022 for the offences punishable under Sections 341, 294(b) & 307 of IPC, in Crime No.155 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused abused the de-facto complainant and stabbed him with knife, causing injuries. Hence the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the de-facto complainant are relatives and due to the enmity on account of the family dispute, a false exaggerated complaint has been given as against the petitioner. He would further submit that even as per the statement, the de-facto complainant has sustained lacerated injuries and he has also been discharged from the hospital within three days. He would also submit that the petitioner has been in custody from 05.09.2022 and the co-accused in this case has been granted with anticipatory bail by this Court



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in Crl.OP.No.21879 of 2022 and hence, he prays for grant of bail to the petitioner.

4. The learned counsel for the Intervener would submit that the de-facto complainant had gone to the final rites of his maternal aunt / mother of the petitioner, where the petitioner even without considering that it is the place of mourning, had assaulted the de-facto complainant with knife on his neck and fortunately, the de-facto complainant has sustained only few injuries or else he would have died on the spot. He would also submit that though the de-facto complainant has been discharged from the hospital, he has been taking continuous treatment in the Global Hospital. Hence, he vehemently opposed to grant bail to the petitioner.

5. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the de-facto complainant along with his relatives attended the funeral of the petitioner's mother and during such time, the petitioner has prevented the de-facto complainant and his relatives from attending funeral and stabbed repeatedly near his neck, due to which he sustained injuries. He would also submit that the investigation is pending and



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the injured has been discharged from the hospital. Hence, he vehemently opposed to grant bail to the petitioner.

6. Heard both the learned counsel for the petitioner and the intervener and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate II, Alandur**, 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



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Bank pass Book to ensure their identity;

[b] the petitioner shall stay at Theni and report before the Inspector of Police, Theni Town Police Station, everyday 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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To

1. The Judicial Magistrate II, Alandur.
2. The Inspector of Police,
Kanathur Police Station,
Pallikaranai, Tambaram City.
3. The Central Prison,
Puzhal, Chennai.
4. The Inspector of Police,
Theni Town Police Station,
Theni.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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