



Crl.O.P.No.22442 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2022

CORAM

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

Crl.O.P.No.22442 of 2022

Sakthivel

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
D-6, Anna Square Police Station.
Chennai.

(Crime No.212 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in Crime No.212 of 2022, pending
investigation on the file of the respondent Police.

For Petitioner : Mr.S.Madhusudanan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.09.2022 for the alleged offence punishable under Sections 294(b), 341 & 307 IPC, in Crime No.212 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 04.09.2022, during the temple festival, the petitioner along with the other accused, due to the previous enmity, waylaid the de-facto complainant and abused him in a filthy language and attacked him with aruval. Hence, the complaint.

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. He would further submit that the name of the petitioner does not find place in the First Information Report and the respondent police has included his name only on suspicion. He would also submit that similarly placed accused in this case has been granted with anticipatory bail by the



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Principal Sessions Judge in Crl.M.P.No.16882 of 2022 dated 13.09.2022.

Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that during the temple festival, the petitioner along with the other accused, due to previous enmity, abused the de-facto complainant and attacked him with knife. He would also submit that there is no previous case as against the petitioner. However, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned learned Additional Public Prosecutor for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submission made by the learned counsel for the petitioner, this Court is inclined to grant bail to the petitioner.



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7. 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 Metropolitan Magistrate No.II, 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 everyday at 10.30 a.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



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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.

16.09.2022

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To

1. The Metropolitan Magistrate No.II,
Egmore, Chennai.
2. The Inspector of Police,
D-6, Anna Square Police Station,
Chennai.
3. The Central Prison-II,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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