



Crl.O.P.No.22653 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2022

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

Crl.O.P.No.22653 of 2022

R.Nandhakumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram.

(Crime No.446/2022).

... 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.446 of 2022 on the file of the respondent Police.

For Petitioner : Mr.D.Ashok Kumar

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 12.08.2022 for the offences punishable under Sections 294(b), 341, 323, 324, 506(ii) IPC @ 147, 148, 294(b), 341, 323, 324, 307 & 506(ii) IPC in Crime No.446 of 2022 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner along with the other accused waylaid the de-facto complainant's brothers and due to previous enmity abused them in a filthy language and assaulted them, causing injuries and threatened them with dire consequences. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been wrongly implicated in this case. He would further submit that the petitioner is in custody from 12.08.2022. He would also submit that the petitioner is prepared to comply with any stringent condition imposed by this Court. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with the waylaid the de-facto complainant's brothers and due to previous enmity, abused them in a filthy language and assaulted them, causing injuries and threatened them with dire consequences. He would further submit that the injured have been discharged from the hospital on 22.08.2022. However, he opposed to grant bail to the petitioner.

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

6. Taking into consideration the facts and circumstances of the case and considering the period of incarceration suffered by the petitioner and also taking note of the fact that the injured have been discharged from the hospital, 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.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Villupuram**, 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 learned 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.

20.09.2022

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To

1. The Judicial Magistrate No.I,
Villupuram.
2. The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram.
3. The Central Jail,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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