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CrI.O.P.No.23661 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

CORAM

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

CrI.O.P.No.23661 of 2022

Surya

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
E-1 Mylapore Police Station,
Chennai 81.
(Crime No.396 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.396 of 2022, pending
on the file of the respondent Police.

For Petitioner : Mr.A.Mohammed Iqbal

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 17.09.2022, for the offences punishable under Sections 294(b), 324, 307



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and 506(ii) of IPC in Crime No.396 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Dharma Arasu is that on 16.09.2022 at 02.30 p.m., while he was sitting at Canal Bank Road TASMACH shop along with his friends, an unknown person on account of previous enmity had come and attacked him with a knife on his head and had also repeatedly cut him and he has been taken to Government Hospital, Royapettah and the assailant had escaped in a motor cycle with another friend, who was waiting. 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, since he has known to the main accused. He would also submit that even as per the First Information Report, the allegations are only against one person for having caused injuries on the head of the victim and later the assailant is stated to have escaped from the scene of occurrence along with his friend. He would further submit that there are no previous cases as



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against the petitioner and the victim has also been discharged from the hospital. He would also state that the victim is a History Sheeted rowdy, who has already committed murder and a case under Section 302 is pending as against him. He would further state that only on the statement recorded subsequently from the other witnesses, the petitioner has been falsely implicated in this case. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner along with the other accused had planned and they have inflicted severe injuries on the victim. He would also submit that though the victim is discharged from the hospital, the injuries sustained by him are grievous in nature. Therefore, he vehemently opposed to grant bail to the petitioner.

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



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6. It is seen that as per the complaint, the victim is stated to have been assaulted by a single person and there is no allegations as if the other person have also assaulted him.

7. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel and that the petitioner is only A2 in this case and there is no specific overt act as against him, this Court is inclined to grant bail to the petitioner with certain conditions.

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 XVIII Metropolitan Magistrate Court, Saidapet**, 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;



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[b] the petitioner shall report before the respondent Police, daily at 10.30 a.m., and 05.30 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.

29.09.2022

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To

1. The XVIII Metropolitan Magistrate,
Saidapet.
2. The Inspector of Police,
E-1, Mylapore Police Station,
Chennai 81.
3. The Prison II,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA., J.

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