



CrI.O.P.No.23932 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

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

CrI.O.P.No.23932 of 2022

Balaji

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
B-2, Vishnu Kanchi Police Station,
Kanchipuram,
Kanchipuram District.

(Crime No.666 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Crime No.666
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.G.Senthil Kumar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.09.2022 for the offences punishable under Sections 147, 148, 341, 294(b), 342, 323, 307 & 506(ii) of IPC, in Crime No.666 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 25.08.2022, the petitioner along with the other accused waylaid the de-facto complainant's husband and abused him in a filthy language and assaulted him with knife, due to which, he sustained grievous injuries. 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 husband of the de-facto complainant, who is the history sheeter, had demanded money as rowdy mamool from his erstwhile owner and when it was questioned by the petitioner and other employees, the scuffle had ensued between them and taking advantage of the injuries, this false complaint has been given against



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the petitioner. He would also submit that the similarly placed co-accused in this case have been granted with bail by this Court in Crl.O.P.Nos.22742 & 23251 of 2022 dated 20.09.2022 and 26.09.2022 respectively, and the petitioner is in custody from 11.09.2022 and he is also prepared to comply with any stringent condition that may be imposed by this Court and he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) would submit that petitioner, who is arrayed as A8, along with the other accused waylaid the de-facto complainant's husband and abused him in a filthy language and assaulted him with knife, due to which, he sustained grievous injuries. He would also submit that the injured has been discharged from the hospital and there is no previous case against this petitioner. 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.



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6. Taking into consideration the facts and submissions made by the learned counsel and also considering the fact that the co-accused have been granted with bail by this Court and there is no previous case as against this petitioner, this Court is inclined to grant bail to the petitioner.

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, Kanchipuram**, 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. and 5.30p.m., until further orders;

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



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[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.

30.09.2022

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To

1. The Judicial Magistrate No.I,
Kanchipuram.
2. The Inspector of Police,
B-2, Vishnu Kanchi Police Station,
Kanchipuram District.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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