



Crl.O.P.No.23992 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

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

Crl.O.P.No.23992 of 2022

Devaraj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Siva Kanchi Police Station,
Kanchipuram.

(Crime No.627 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.627
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.A.Saranraj

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 15.09.2022 for the offences punishable under Sections 341, 294(b), 323, 324, 307 and 506(ii) of IPC, in Crime No.627 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with two other accused, waylaid the TNSTC bus and abused the driver and conductor of the bus in a filthy language and when it was questioned by the de-facto complainant, they abused the de-facto complainant and also assaulted him with beer bottle, causing grievous injuries and threatened with dire consequences. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that since, the driver of the TNSTC bus did not stop the vehicle at the stop, there arose a quarrel between the driver of the bus and the petitioner and his friends, due to which a false complaint has been lodged as against the petitioner. He would further submit that the petitioner is in custody from



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15.09.2022 and he is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with the other two accused, waylaid the TNSTC bus and abused the employees in a filthy language and abused the de-facto complainant and also assaulted him with beer bottle, causing grievous injuries and threatened with dire consequences. He would further submit that the injured has been discharged from the hospital on 10.09.2022. He would also submit that there is no previous case as against this petitioner. However, he oppose for grant of 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.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the



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fact that the injured has been discharged from the hospital and there is no previous case as against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

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.II, 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 5.30 p.m., for a period of four weeks and thereafter, every Saturday, at 10.30a.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;



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[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.II,
Kanchipuram.
- 2.The Inspector of Police,
Siva Kanchi Police Station,
Kanchipuram.
- 3.The Central Prison, Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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