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CrI.O.P.No.25349 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

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

CrI.O.P.No.25349 of 2022

Raj Kumar (Chinna Barra)

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Pallikonda Police Station,
Vellore District.
(Crime No.243/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.243
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.N.Sudharsan

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 28.09.2022, for the offences punishable under Sections 341, 294(b), 307 and 506(ii) of IPC in Crime No.243 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that during the temple festival, on 18.09.2022, the petitioner, on account of the previous enmity, had abused the de-facto complainant in a filthy language and by assaulting him with aruval, caused injuries on his head and right knee. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and due to the false complaint, a false complaint has been given as against the petitioner. He would also submit that the injured has been discharged from the hospital within two days from the date of occurrence. He would further submit that the petitioner is in custody from 28.09.2022 and he is ready to abide by any stringent



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conditions that may be imposed by this Court. Hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is a habitual offender against whom several cases are pending including the offences under Sections 506(i) and 307 IPC cases. He would also submit that as far as this case is concerned, the petitioner, due to the previous enmity, had abused the de-facto complainant in a filthy language and assaulted him with aruval and caused injuries on his head and right knee. He would also submit that the injured has been discharged from the hospital on 20.09.2022. However, 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.

6. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that



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the injured has been discharged from the hospital and also considering the period of incarceration undergone by 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 V, Vellore**, 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 5.30p.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



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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.

31.10.2022

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To

1. The Judicial Magistrate No.V,
Vellore.
2. The Inspector of Police,
Pallikonda Police Station,
Vellore District.
3. The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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