



Crl.O.P.No.25277 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2022

CORAM

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

Crl.O.P.No.25277 of 2022

Elangovan

... Petitioner

Vs.

State rep. by,
The Inspector of Police,
Ponnai Police Station,
Ponnai,
Ranipet District.
(Crime No.97 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail, in Crime No.97 of 2022 on the file of
the respondent Police.

For Petitioner : Mr.K.G.Senthilkumar

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 14.09.2022, for the offences punishable under Sections 294(b), 324, 307 & 506(ii) of IPC @ Sections 294(b), 307 and 506(ii) of IPC, in Crime No.97 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due previous enmity, there was an altercation, during which, the petitioner had assaulted the defacto complainant with knife. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the incident is alleged to have been happened during the wordy quarrel. He would further submit that the petitioner is in custody from 14.09.2022 and the petitioner has got no previous case as against him. He would also state that the injured has also been discharged from the hospital. Therefore, 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 on account of previous enmity, the petitioner assaulted the defacto complainant with knife, resulting in him sustaining injuries. He would also submit that there are no previous cases as against the petitioner and the injured has also been discharged from the hospital. However, he vehemently opposed to grant bail to the petitioner.

5. Heard both the learned counsel and perused the materials available on record including the FIR.

6. Taking into consideration of the facts and circumstances of the case, the submissions made by the learned counsel and also the period of incarceration suffered by the 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**



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only) with two sureties, each for a like sum to the satisfaction of the learned

Judicial Magistrate Court, Sholingur, 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 stay at Chengalpattu and report before the Inspector of Police, Town Police Station, Chengalpattu, daily at 10.30 a.m., and 05.30 p.m., for a period of three weeks and thereafter, report before the respondent police daily 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 Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];**



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

19.10.2022

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To

1. The Judicial Magistrate,
Sholingur.
2. The Inspector of Police,
Ponnai Police Station,
Ponnai,
Ranipet District.
3. The Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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