



WEB COPY



CrI.O.P.No.25818 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

CORAM

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

CrI.O.P.No.25818 of 2022

Vaidheeswaran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
D4, Zam Bazaar Police Station,
Chennai.
(Crime No.122/2022).

... 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.122
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Jayakumar

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



Crl.O.P.No.25818 of 2022

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.08.2022, for the offences punishable under Sections 147, 148, 341, 324, 302 of IPC r/w Section 34 IPC in Crime No.122 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 due to previous enmity, the petitioner along with the other accused, brutally attacked the de-facto complainant's husband with deadly weapons, resulting in which, he sustained grievous injuries and died on the way to the hospital. Hence, the case.

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 happens to be the friend of the other accused. He would further submit that the name of the petitioner does not find place in the First Information Report and even as per the prosecution, other than being present at the scene of occurrence, there is no specific allegation attributed as against



Crl.O.P.No.25818 of 2022

the petitioner, as if he had inflicted injuries on the victim. He would also state that major part of the investigation is over and the petitioner is in custody from 17.08.2022 and hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that on account of the previous enmity, the petitioner along with the other accused joint together and committed murder of the de-facto complainant's husband. He would further submit that though the name of the petitioner does not find place in the First Information Report, he was found along with the other accused and prevented the victim from escaping from the scene of occurrence. He would also submit that the petitioner has got 2 previous cases and therefore, he vehemently 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.



Crl.O.P.No.25818 of 2022

WEB COPY

6. Taking into consideration the facts of the case and the submissions made by the learned counsel 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.10,000/- (Rupees Ten thousand only)** with **two sureties** (out of which, one surety should be either father or mother of the petitioner and should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Metropolitan Magistrate II, Egmore**, 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;



WEB COPY



CrI.O.P.No.25818 of 2022

[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.

31.10.2022

ham

To

- 1.The Metropolitan Magistrate No.II,
Egmore.
- 2.The Inspector of Police,
D4, Zam Bazaar Police Station,
Chennai.
- 3.The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.25818 of 2022

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.25818 of 2022

31.10.2022