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CrI.O.P.No.26070 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

CORAM

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

CrI.O.P.No.26070 of 2022

Jeeva

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
D-3, Ice House Police Station,
Chennai.

(Crime No.385/2022)

... 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.385
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.Madhusudanan

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 25.09.2022, for the offences punishable under Sections 147, 148, 341, 294 (b), 323, 307 & 506(2) of IPC, in Crime No.385 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, on 24.09.2022 at about 11.30 p.m., the accused have waylaid the de-facto complainant and abused him in filthy language and assaulted him with knife and hands, due to which, he sustained injuries on his left hand. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner, aged about 20 years, is an innocent person and a false complaint has been given as against him. He would further submit that very reading of the First Information Report would show that is the foisted case. He would also submit that since the petitioner has some previous cases, in order to curtail his activities, respondent has implicated the petitioner in this



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case. He would also state that even as per the prosecution, the petitioner is alleged to assaulted the victim with hands. He would also submit that the petitioner has been granted with bail in his previous cases. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that due to the previous enmity, the petitioner along with the other accused have waylaid the de-facto complainant and abused him in a filthy language and assaulted him with knife and hands and caused injuries to the de-facto complainant. He would also submit that there are 7 previous cases pending as against the petitioner, out of which 4 are for the offence under Sections 379 IPC and two are for the offence under Sections 392 and 397 IPC and hence, 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.



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6. Taking into consideration the facts and the submissions made by the learned counsel and also considering the age of the petitioner and the nature of allegation 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** (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, Chennai**, 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;



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[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond 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 absconds, a fresh FIR can be registered under Section 229A IPC;

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To

1. The Metropolitan Magistrate No.II, Egmore, Chennai.
2. The Inspector of Police,
D-3, Ice House Police Station,
Chennai.
3. The Sub Jail,
Poonamallee
4. The Public Prosecutor,
High Court of Madras.



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