



Crl.O.P.No.26600 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM

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

Crl.O.P.No.26600 of 2022

Nagendran

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
H-6, R.K.Nagar Police Station.

(Crime No.522/2022)

... 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.522
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.K.Manikandan

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 05.09.2022 for the offences punishable under Sections 147, 148, 341, 294(b), 323, 324, 307, 506(ii) of IPC r/w Section 120(b) of IPC, in Crime No.522 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to the previous enmity on account of the elopement of the first accused's sister with the brother of the de-facto complainant, the petitioner along with the other accused waylaid the de-facto complainant and abused him in a filthy language and indiscriminately attacked him with knife, causing grievous injuries. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is arrayed as A2 in this case. He would also submit that the incident had happened during the quarrel and the petitioner has not inflicted any injuries on the de-facto complainant. He would also submit that the petitioner is in custody from 05.09.2022 and hence, he prays for grant of bail



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to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner, who is arrayed as A2 in this case, along with the other accused, on 04.09.2022, due to the previous enmity on account of the elopement of the sister of the first accused with the de-facto complainant's brother, had waylaid the de-facto complainant and by abusing him in a filthy language, assaulted with knife, due to which, he sustained grievous injuries. He would further submit that the injured has been admitted in hospital and has also been discharged from the hospital on 16.09.2022. He would also submit that there are 10 previous cases pending as against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. In reply, the learned counsel for the petitioner would submit that the previous cases are registered for the offences under Smoking Act and City Police Act. He would also submit that the petitioner is prepared to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioner.



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6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also considering the fact that the previous cases against the petitioner are registered for the offences either under Smoking Act or under City Police Act, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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 XV Metropolitan Judge, George Town**, 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;



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[b] the petitioner shall report before the respondent Police, every day at 10.30 a.m. and 5.30p.m., until further orders;

[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 XV Metropolitan Judge,
George Town.
2. The Inspector of Police,
H-6, R.K.Nagar Police Station.
3. The Central Prison, Puzhal - II.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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