



CrI.O.P.No.26974 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM

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

CrI.O.P.No.26974 of 2022

Ajay

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Vellore South Police (L&O),
Vellore District.

(Crime No.184/2022).

... 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.184
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.M.Sathish Kumar

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 10.09.2022, for the offences punishable under Sections 294(b), 323, 307 & 506(ii) IPC, in Crime No.184 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 on 10.09.2022, in mid-night, while he was speaking over phone, he had seen one Akash going in a two wheeler along with a girl and later about 00.45 hours, when he was standing in the same place, the Akash had returned along with his brother Ajay and questioned him why he had teased their sister and assaulted him with knife resulting him sustaining injuries. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that this is the second bail application filed by the petitioner before this Court and this Court, had earlier dismissed the bail application in Crl.O.P.No.24810 of 2022 vide order dated 17.10.2022 on the ground that



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the victim was not discharged from the hospital. He would further submit that now the victim had discharged from the hospital and the incident had happened when the de-facto complainant had teased the sister of the petitioner. He would also submit that the petitioner is in custody from 10.09.2022 and he is prepared to abide by any stringent conditions that may be imposed by this Court. He would also state that the co-accused has been granted with anticipatory bail by this Court in Crl.O.P.No.24962 of 2022 dated 26.10.2022 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 sicne the de-facto complainant had teased the sister of the petitioner, there was a quarrel between the petitioner and the accused and during the quarrel, the accused had assaulted the de-facto complainant, resulting in him sustaining grievous injuries. He would further submit that the injured has been discharged from the hospital and this is the second bail application of the petitioner before this Court. However, he oppose for grant of bail to the petitioner.



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

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and also taking note of the fact that the injured has been discharged from the hospital, 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 No.I, 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;



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[b] the petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period of four weeks and thereafter, every Saturday at 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]***;

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

03.11.2022

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To

1. The Judicial Magistrate I,
Vellore.
2. The Inspector of Police,
Vellore South Police (L&O),
Vellore District.
3. The Central Prison
Vellore District.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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