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Crl.O.P.No.27193 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.27193 of 2022

Tamilselvan @ Rajan

... Petitioner

Vs.

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

(Crime No.522 of 2022)

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Crime No.522 of 2022 pending on
the file of the respondent.

For Petitioner : Mr.M.Illiyas

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) and 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 sister of A1 eloping with the brother of the de-facto complainant, the accused joined together and waylaid the de-facto complainant's brother and indiscriminately assaulted him, resulting in him sustaining injuries. Hence, the complaint.

3. The contention of the learned counsel appearing for the petitioner is that the petitioner is an innocent person and due to previous enmity, a false complaint has been given as against the petitioner. He also submitted that A1's sister was taken away by the brother of the de-facto complainant and when it was questioned, there was a fight and during which, the incident had happened and also submitted that the petitioner has not



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assaulted the victim. He further submitted that the co-accused in this case have been granted bail by the learned Principal Sessions Judge, Chennai, in Crl.M.P.Nos.18609 & 18610 of 2022 dated 29.09.2022 and 30.09.2022 respectively. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that this is the second bail application before this Court and in this case, the petitioner along with the other accused the accused joined together and waylaid the de-facto complainant's brother and indiscriminately assaulted him, resulting in him sustaining injuries. He also submitted that investigation has been completed and the charge sheet filed in P.R.C.No.121 of 2022 on the file of the XV Metropolitan Magistrate, George Town. He further submitted that there are 10 previous cases pending as against the petitioner and hence, he opposed 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. Considering the facts and circumstances of the case and the submissions made by the learned counsel that the co-accused in this case have been granted bail by the learned Principal Sessions Judge, Chennai, 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**, each for a like sum to the satisfaction of the **learned XV Metropolitan Magistrate, George Town, 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 10.00 a.m., until further orders;



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[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.

08.11.2022

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To

1. The XV Metropolitan Magistrate, George Town, Chennai.
2. The Inspector of Police,
H-6, R.K.Nagar Police Station,
Chennai.
3. The Central Prison ,
Puzhal.



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4. The Public Prosecutor,
High Court of Madras.

M.NIRMAL KUMAR, J.

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