



Crl.O.P.No.26978 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

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

Crl.O.P.No.26978 of 2022

Krishnamoorthy @ Moorthy @ Kanja Moorthy ... Petitioner

Vs.

The State represented by,
The Inspector of Police,
D-6, Anna Square Police Station,
Chennai.

(Crime No.212/2022). ... 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.212
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.R.C.Paul Kanagaraj
For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



Crl.O.P.No.26978 of 2022

WEB COPY

ORDER

The petitioner, who was arrested on 09.09.2022 and remanded to judicial custody on 10.09.2022, for the offences punishable under Sections 294(b), 341 and 307 of IPC in Crime No.212 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant Karthick is that during the temple festival, the petitioner along with the other accused abused the de-facto complainant by asking the whereabouts of his friend Hari and assaulted him with aruval, due to which he sustained injuries and the accused have also threatened the passersby with aruval and run away from the scene of occurrence. 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. He would further submit that even as per the allegations in the First Information Report, only the second accused is stated to have inflicted injuries on the victim and the petitioner has caught hold of the victim. He would also submit that since the petitioner has got several previous cases including NDPS



Crl.O.P.No.26978 of 2022

Act, in order to curtail his activities, the respondent has registered this case and they have also initiated proceedings under 110 Cr.P.C. He would further submit that the petitioner has filed a revision case in Crl.R.C.No.215 of 2022 before the learned Principal Sessions Court and the Court have also granted stay in the said proceedings in Crl.M.P.No.19601 of 2022. He would also submit that in all pending previous cases, the petitioner has been granted bail. Hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police would submit during the temple festival, due to the previous enmity, the petitioner along with the other accused abused the de-facto complainant by asking the whereabouts of his friend Hari and assaulted him with aruval, due to which he sustained injuries and the accused have also threatened the passersby with aruval and run away from the scene of occurrence. He would also submit that the petitioner is a history sheeted rowdy against whom there are 10 previous cases. Hence, he oppose for grant of bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned



Crl.O.P.No.26978 of 2022

Government Advocate (Crl.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 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.25,000/- (Rupees Twenty Five thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned II Metropolitan Magistrate, 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 stay at Tirunelveli and report before the Inspector of Police, Valliyur Police



Crl.O.P.No.26978 of 2022

Station, everyday at 10.30 a.m. and 5.30 p.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.

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To

1. The II Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
D-6, Anna Square Police Station,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Inspector of Police,
Valliyur Police Station,
Tirunelveli.
5. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.26978 of 2022

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.26978 of 2022

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