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CrI.O.P.No.26986 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**

CrI.O.P.No.26986 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.219/2022). ... 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.219
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 (CrI.Side)



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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, 427, 397 and 506(ii) of IPC in Crime No.219 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner demanded money from the de-facto complainant and when the de-facto complainant refused to give money, the petitioner tried to attack him with knife and took away a sum of Rs.2800 from him and when the public attempted to apprehend him, he pelted stones on them and caused feat and nuisance. Hence, the case.

3. The contention of the learned counsel for the petitioner is that the petitioner has got some previous cases during the year between 2012-2016 and thereafter, not committed any offence and has been working as an incharge in a Kalyana Mandabam. Since he has got previous cases, two cases including the present case foisted against him and he was not even aware of the case registered in Crime No.212 of 2022 which is stated to have taken



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place on 04.09.2022 and also the present case is stated to have taken place on 09.09.2022, the petitioner was arrested and remanded to judicial custody on 10.09.2022, during remand he came to know about the case registered against him in Crime No.212 of 2022. This Court already granted bail in Crime No.212 of 2022 to the petitioner in Crl.O.P.No.26978 of 2022 dated 04.11.2022. The learned counsel further submitted that though the petitioner was granted bail in that case, he is unable to breathe freedom, since he is in custody with regard to the present case. Hence, he prays for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is a history sheeted rowdy with H.S.No.06/2014 and proceedings under 110 Cr.P.C initiated against him. He also submitted that the petitioner has got several previous cases including NDPS Act and extortion cases and he is a menace to the society, who continuously indulge in crime from the year 2012 and therefore, he oppose for grant of bail to the petitioner.



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5. At this juncture, the learned counsel for the petitioner submitted 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 granted stay in the said proceedings in Crl.M.P.No.19601 of 2022. He also submitted that in all pending previous cases, the petitioner granted bail. Hence, he prays for grant of bail to the petitioner.

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 period of incarceration undergone by the petitioner , 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



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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 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]***;



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[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 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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M.NIRMAL KUMAR, J.

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