



WEB COPY



CrI.O.P.No.28363 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2022

CORAM

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

CrI.O.P.No.28363 of 2022

Vijay

... Petitioner

Vs.

State represented by,
The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai.

(Crime No.669/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner / Accused on bail in Crime No.669 of 2022
pending investigation before the respondent police.

For Petitioner : Mr.S.Vijayaraghavan

For Respondent : Mr.C.E.Pratap
Government Advocate (CrI.Side)



WEB COPY



Crl.O.P.No.28363 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.09.2022 for the alleged offences punishable under Sections 294(b), 307 & 506(ii) of IPC in Crime No.669 of 2022, seeks bail.

2. The case of the prosecution as per the de-facto complainant Vishal is that there was a previous enmity between the petitioner and the de-facto complainant and that on 12.09.2022 at about 22.30 hours, while the de-facto complainant was returning to home, the accused waylaid him and by abusing the de-facto complainant in a filthy language invited the quarrel and attempted to cut his neck with blade and since he has moved, he got cut injury on his right hand. Hence the case.

3. The learned counsel appearing for the petitioner submitted that this is the second bail application before this Court and this Court, had earlier dismissed the bail application filed by the petitioner in Crl.O.P.No.26015 of 2022 vide order dated 02.11.2022 stating that there are several cases pending as against him. He further submitted that since the petitioner has got some previous cases, in order to detain him, a false case



Crl.O.P.No.28363 of 2022

has been given. He also submitted that the petitioner was arrested on 13.09.2022 and till date no detention order has been passed, hence, he prayed for grant of bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that due to the previous enmity, the petitioner waylaid the de-facto complainant and by abusing the de-facto complainant in a filthy language, attempted to cut his neck using blade, due to which, he sustained injuries in his hand. He further submitted that this is the second bail application and the earlier bail application was dismissed on 02.11.2022, since 14 cases are pending as against the petitioner. He also stated that the investigation has been completed and the final report has also been filed, before the learned 1st Principal Sessions Court, Chennai in S.C.No.365 of 2022. Hence, he opposed to grant 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.



Crl.O.P.No.28363 of 2022

WEB COPY

6. Taking into consideration the facts and the 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 X Metropolitan Magistrate, Chennani** 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 learned 1st Principal Sessions Judge, on all working days, at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond during trial;

[d] the petitioner shall not tamper with evidence or witness during trial;

[e] On breach of any of the aforesaid conditions,



CrI.O.P.No.28363 of 2022

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.

18.11.2022

ham

To

1. The X Metropolitan Magistrate,
Chennai.
2. The 1st Principal Sessions Court,
Chennai.
3. The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai.
4. The Central Prison,
Puzhal, Chennai.
5. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



WEB COPY



Crl.O.P.No.28363 of 2022

ham

Crl.O.P.No.28363 of 2022

18.11.2022