



Crl.O.P.No.27867 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2022

CORAM

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

Crl.O.P.No.27867 of 2022

Thiruneelakandan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
J-4, Kotturpuram Police Station,
Chennai.

(Crime No.285/2022).

... 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.285
of 2022, pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Pugazhenthir

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 08.09.2022, for the offences punishable under Sections 147, 148, 307, 332 of IPC, in Crime No.285 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 in order to wreak vengeance, the petitioner had waylaid the police Escort vehicle when the victim was transported to the Court and they have also assaulted the police personnel. The overt act attributed as against the petitioner is that the petitioner has threatened the police when the police had attempted to safeguard the victim. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that this is the third bail application before this Court and this Court had earlier dismissed the bail application filed by the petitioner considering the manner in which the offence was committed. He further submitted that the petitioner is in custody from 08.09.2022 and he has no previous case. He also submitted that the co-accused in this case has been granted bail by the



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learned Principal Sessions Court, Chennai and he is ready to abide by any stringent condition that may be imposed on him, hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that this is the third bail application before this Court. He also submitted that in order to wreak vengeance on the victim, the petitioner had waylaid the police escort vehicle, when the victim was taken to the Court and assaulted the policemen and also threatened the police in public view. He further submitted that there is no previous case as against the petitioner, however, he vehemently 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.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel and taking note of the fact that there is no previous case as against the petitioner and also



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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 IX Metropolitan Magistrate, Saidapet**, 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 10.30 a.m. and 05.30p.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



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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.

22.11.2022

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To

1. The IX Metropolitan Magistrate,
Saidapet.
2. The Inspector of Police,
J-4, Kotturpuram Police Station,
Chennai.
3. The Sub Jail,
Saidapet.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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