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Crl.O.P.No.29152 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

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

Crl.O.P.No.29152 of 2022

Deepath

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
N-2, Kasimedu Police Station,
Chennai - 600 013.

(Crime No.194/2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending trial in P.R.C.No.118 of
2022 pending trial before the XVI Metropolitan Magistrate, George Town,
Chennai.

For Petitioner : Mr.D.Sugumar

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 14.08.2022 for the offences under Sections 294(b), 341 & 307 IPC, in Crime No.194 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant Nithish is that on 14.08.2022, while he was drinking along with the accused, there was a quarrel between them, during which, the accused has assaulted the *de-facto* complainant with beer bottle on his head, due to which, he suffered grievous injury. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that even as per the complaint, no weapon is stated to have been used and the petitioner was arrested on 14.8.2022 and he is in custody for more than three months. He also submitted that the investigation has been completed and the charge sheet has also been filed and it is pending committal in P.R.C.No.118 of 2022 on the file of the learned XVI Metropolitan Magistrate, George Town, Chennai. He also



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submitted that the petitioner is ready to abide by any stringent conditions that may be imposed on him, hence, he prayed to grant bail to the petitioner.

4. The Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner is a habitual offender against whom there are 8 previous pending cases and he is a 'C' category rowdy and history sheeted in H.S.No.04/2019. He further submitted that as far as this case is concerned, the petitioner has assaulted the *de-facto* complainant with beer bottle during the quarrel, while they were drinking together. He also submitted that the injured has been discharged from the hospital on 16.08.2022 and the respondent has completed the investigation and filed the final report pending committal in P.R.C.No.118 of 2022 on the file of the learned XVI Metropolitan Magistrate, George Town, Chennai. Therefore, he oppose to grant bail to the petitioner.

5. In reply, the learned counsel for the petitioner submitted that so far the petitioner has not convicted in any of the previous cases and also stated that the family members of the petitioner are ready to stand as surety to the petitioner. Hence, he prayed to grant bail to the petitioner.



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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 taking note of the fact that investigation has been completed and the case is now pending committal on the file of the learned XVI Metropolitan Magistrate, George Town, Chennai and also considering 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 blood related sureties**, each for a like sum to the satisfaction of the **learned XVI Metropolitan Magistrate, George Town, Chennai**, and on further conditions that:



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[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 appear before the learned XVI Metropolitan Magistrate, George Town, Chennai on all working days at 10.30 a.m., till committal of case and thereafter, appear before the learned trial Court, on all hearing dates;

[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, 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 XVI Metropolitan Magistrate,
George Town, Chennai
2. The Inspector of Police,
N-2, Kasimedu Police Station,
Chennai - 600 013.
3. The Central Prison - II,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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