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Crl.O.P.No.29495 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2022

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

Crl.O.P.No.29495 of 2022

S.Anbarasan

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Auroville Police Station,
Villupuram District.

(Crime No.205/2022).

... 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.205
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.D.Raghu

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



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submitted that no weapons has been used in this incident and the injured has been discharged from the hospital. He also stated that the co-accused in this case has been granted by this Court in Crl.O.P.No.25767 of 2022 vide order dated 20.10.2022 and the petitioner is in custody from 27.09.2022. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner is arrayed as A4 in this Case and due to the previous enmity and as a retaliation, the accused had assaulted the de-facto complainant with sticks, causing grievous injuries. He also submitted that the co-accused in this case has been granted bail by this Court in Crl.O.P.No.25767 of 2022. He also stated that the injured has been discharged from the hospital, however, 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.



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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 the co-accused has been granted bail by this Court 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 Judicial Magistrate, Vanur**, 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 5.30p.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[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.

30.11.2022

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To

1. The Judicial Magistrate,
Vanur.
2. The Inspector of Police,
Auroville Police Station,
Villupuram District.
3. The Central Prison,
Cuddalore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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