



Crl.O.P.No.32436 of 2022

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated : 28.12.2022

CORAM :

**THE HON'BLE MR. JUSTICE A.A. NAKKIRAN**

Crl.O.P.No.32436 of 2022

Vignesh @ Vicky @ Masi @ Amavasai,  
S/o.Sekar

... Petitioner

Vs.

State Rep. by  
The Inspector of Police,  
V-4, Rajamangalam Police Station,  
(Crime No.229 of 2022)

... Respondent

**PRAYER:** Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.229 of 2022 on the file of respondent police.

For Petitioner : Mr.B.M.Santharam

For Respondent : Mrs.V.G.Kasthuri,  
Addl. Public Prosecutor



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## **ORDER**

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The petitioner, who was arrested and remanded to judicial custody on 15.03.2022 for the alleged offence punishable under Sections 341, 120(b), 320 of I.P.C. in Crime No.229 of 2022 on the file of respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity between defacto complainant's son and one Vasanthakumar, at his inducement, the petitioner along with other accused said to have brutally attacked son of defacto complainant by using deadly weapons, due to which, he sustained multiple grievous injuries on his vital parts and later he succumbed to injuries. Hence, the complaint.

3. The learned counsel appearing for petitioner would submit that he is an innocent person and he is no way connected with the offence and he has been falsely implicated in the present case. He would submit that he was detained under Goondas Act in detention order dated 04.05.2022, which was set aside by this court in H.C.P. No.934 of 2022. He would also submit that investigation has been completed and charge



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sheet also filed in P.R.C.No.72 of 2022 on the file of learned XIII Metropolitan Magistrate, Egmore, Chennai. He would submit that he is in judicial custody for more than 9 months from 15.03.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is arrayed as A1 and he was detained under Goondas Act and the same was set aside by this court. She would submit that the investigation was completed and charge sheet filed in P.R.C.No. 72 of 2022 on the file of XIII Metropolitan Magistrate, Egmore, Chennai. He would submit that if he is released on bail, he would hamper the investigation and tamper the witnesses. Hence, he opposed to grant bail to the petitioner.

5. Considering the fact that he was detained under Goondas Act in detention order dated 04.05.2022, which was set aside by this court in H.C.P. No.934 of 2022 and also the fact that investigation has been completed and charge sheet also filed in P.R.C.No.72 of 2022 on the file of learned XIII Metropolitan Magistrate, Egmore, Chennai. and



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also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the **learned XIII 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 learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

**(b) the petitioner shall appear before the trial court on every hearing at 10.30 a.m. without fail;**

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;



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(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

**28.12.2022**

rpp/skt

To

- 1.The XIII Metropolitan Magistrate,  
Egmore, Chennai.
- 2.The Inspector of Police,  
V-4, Rajamangalam Police Station,  
Chennai.
- 3.The Superintendent of Prison,  
Central Prison, Puzhal,  
Chennai.
- 4.The Public Prosecutor,  
High Court, Madras.



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**A.A. NAKKIRAN , J.**

rpp/skt

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