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Crl.O.P.No.1259 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2023

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THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.1259 of 2023

Ajayraj @ Eli

... Petitioner

Vs.

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

(Crime No.430 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail pending in Crime No.430 of 2022
pending on the file of the respondent.

For Petitioner : Mr.T.P.Segar

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 07.11.2022 for the offences punishable under Sections 387, 294(b), 324, 307, 506(ii) of IPC, in Crime No.430 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the accused entered into the de-facto complainant's Tasmac shop and demanded mammul from him and when the de-facto complainant refused to give money, the accused abused him in a filthy language and assaulted him with iron pipe and also assaulted his employee one Anbu Ganapathi with knife, due to which they sustained grievous injuries. The further allegation is that the accused had taken liquor bottles from the shop and broken the same on the road and caused annoyance to the public. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case, since he has got several previous cases. He further submitted that the petitioner is no way connected with the alleged offence and also stated that



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the petitioner is in custody from 07.11.2022 and hence, he prayed to grant bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that the petitioner is a habitual offender having 5 previous cases. He further submitted that as far as this case is concerned, when the de-facto complainant refused to give mammul to the petitioner, the petitioner along with the other accused abused him and assaulted him and his employee one Anbu Ganapathi with iron pipe and knife, causing grievous injuries and also taken the liquor bottles from the shop and broken the same on the road and caused annoyance to the public. He further submitted that the injured has been discharged from the hospital, however, he vehemently opposed to grant bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner, on instructions, submitted that without prejudice to the rights, the petitioner is ready to deposit a considerable amount to the credit of the crime number. Hence, he prays for grant of bail to the petitioner.



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6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent 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 for the petitioner and also taking note of the fact that the petitioner is volunteered to pay a sum of Rs.10,000/- to the credit of the Crime No.430 of 2022, 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.10,000/- (Rupees Ten Thousand only)** with **two sureties** (out of which, one should be the blood surety, who should produce document to show his/her means), each for a like sum to the satisfaction of the **learned Judicial Magistrate No.I, Tindivanam**, and on further conditions that:

[a] the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the credit of Crime No.430 of 2022 before the learned Judicial Magistrate No.I, Tindivanam, within a period of two



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weeks from the date of receipt of a copy of this order and on such deposit, the de-facto complainant is permitted to withdraw the same, on filing undertaking affidavit and proper identification and acknowledgment;

[b] 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;

[c] the petitioner shall report before the respondent Police on alternative days at 10.30 a.m., for a period of three months and thereafter, as and when required for interrogation;

[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;

[f] 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]*;



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T.V.THAMILSELVI,J.

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[g] If the accused thereafter abscond, a fresh
FIR can be registered under Section 229A IPC.

23.01.2023

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To

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

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