



Crl.O.P.No.1928 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.01.2023

CORAM :

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

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1. Vijay @ Poi Vijay,
S/o. Sudhakar

2. Subash,
S/o. Sathishkumar

.. Petitioners

Vs.

State represented by
The Inspector of Police,
M5 Ennore Police Station,
Chennai.
(Crime No.680 of 2022)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioners on bail in Crime No.680 of 2022 on the file of respondent police.

For Petitioners : Mr.S.Senthilvel

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



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ORDER

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The petitioners, who were arrested and remanded to judicial custody on 22.11.2022 for the alleged offence under Sections 147, 148, 341, 294(b), 323, 307 and 506(ii) of I.P.C. in Crime No.680 of 2022 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 21.11.2022 at about 10.00 p.m., the respondent police on receipt of information, went to Stanley Government Hospital, and on enquiry, it was informed that when the defacto complainant going to his house, the petitioners along with other accused waylaid him and abused him in filthy language and also assaulted him with knife, thereby he sustained injury on his life side head. Hence, the complaint.

3. The learned counsel for the petitioners submitted that that they have not at all committed any offence as alleged by the respondent police and they are no way connected with the offence. He would submit that they have been falsely implicated in this case for statistical purpose. He would further submit that the investigation is almost completed and that



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the petitioners have been suffering incarceration for more than 63 days from 22.11.2022. Hence, he prayed to grant bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that as against 1st petitioner, there are 12 previous cases pending and as against 2nd petitioner, one previous case pending against him. He would submit that totally there are 8 accused involved in this case and the petitioners are arrayed as A2 and A7. He would also submit that if they are released on bail, they will tamper the witnesses and hamper the investigation and now injured discharged from the hospital. Hence, he vehemently opposed to grant bail to the petitioners.

5. So far as 1st petitioner is concerned, as he is having 12 previous cases pending against him and he is an habitual offender, this court is not inclined to grant bail to 1st petitioner.

6. Considering the above facts and circumstances and also the fact



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that the investigation is almost completed, and considering the period of incarceration undergone by the 2nd petitioner, this Court is inclined to grant bail to the 2nd petitioner with certain conditions.

7. Accordingly, the 2nd petitioner is ordered to be released on bail on executing separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the *learned Judicial Magistrate, Tiruvottiyur*, 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 2nd petitioner shall appear before the respondent police daily at 10.30 a.m. for the period of two months.

(c) the 2nd petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the 2nd petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions,



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the learned Magistrate/ Trial Court is entitled to take appropriate action against the 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd 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]*; and;

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

30.01.2023

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To

- 1.The Judicial Magistrate, Tiruvottiyur.
- 2.The Inspector of Police,
M5 Ennore Police Station, Chennai.
- 3.The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
- 4.The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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