



Crl.O.P.No.3771 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.02.2023

CORAM :

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

Crl.O.P.No.3771 of 2023

Charles,
S/o.Johnson

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
H-6, R.K. Nagar Police Station,
Chennai.
(Crime No.19 of 2023)
Respondent

...

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.19 of 2023 pending on the file of respondent police.

For Petitioner : Mr.M.Illiyas

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.01.2023 for the alleged offence under Sections 147, 148, 341, 294(b), 323, 324, 307, 506(ii) of I.P.C. in Crime No.19 of 2023 on the file of the respondent police, seeks bail.

2. The case of prosecution is that due to previous enmity in view of murder of one Rahul, on 08.01.2023 around 12.00 hours, when the defacto complainant came near SOC area, the petitioner along with 9 other accused restrained the victim and scolded him in filthy language and also brutally attacked him by using beer bottles, hands and leg and escaped from the spot, due to which, victim sustained injuries and he was admitted in the hospital for treatment. Hence, the complaint was registered against the petitioner.

3. The learned counsel appearing for petitioner submitted that the entire allegation is false, vindictive, wanton and he is no way connected



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with the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and due to previous enmity, he has been falsely implicated in this case and he will abide by any condition that may be imposed by this court. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 49 days from 09.01.2023. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that there are 10 previous cases including one murder case pending against him. He would submit that on the date of occurrence, due to previous enmity, when the defacto complainant came to a SOC area, the petitioner along with other accused restrained him and also assaulted him by using beer bottle, in which he sustained injuries and subsequently after treatment, he was discharged from the hospital. He would submit that he is a main accused and he was also detained under Goondas Act. He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to



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grant bail to the petitioner.

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5. Considering the above facts and circumstances, and also considering the fact that the investigation almost completed and the fact that the injured discharged from the hospital and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is **directed to deposit a sum of Rs.10,000/- (Rupees ten thousand only) into the credit of Crime No.19 of 2023 before the concerned Magistrate from the date on which, the order is made ready and the victim is permitted to withdraw the said deposit amount on proper identification and acknowledgement** and on such deposit, 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, **in which one surety must be a blood surety**, for a like sum to the satisfaction of the **learned XV 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 learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(b) the petitioner shall stay at Cuddalore District and report before the Inspector of Police, Thirupapuliur Police Station daily at 10.30 a.m. for the period of three months and thereafter, he shall report respondent police on every Tuesday and Sunday at 10.30 a.m. for another period of three months;

(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;

(f) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take



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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.

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To

1. The XV Metropolitan Magistrate,
George Town, Chennai.
2. Inspector of Police, H-6 R.K. Nagar Police Station,
Chennai.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras, Chennai.



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T.V. THAMILSELVI, J.

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Crl.O.P.No. 3771 of 2023

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