



Crl.O.P.No.6087 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

CORAM

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

Crl.O.P.No.6087 of 2023

Parthiban

.. Petitioner

Vs.

The State represented by,
The Inspector of Police,
Katpadi Police Station,
Vellore District.

(Crime No.35 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in connection with the Crime No.35
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.G.Nirmal Krishnan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER



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The petitioner, who was arrested and remanded to judicial custody on 27.01.2023 for the offences under Sections 294(b) and 307 of IPC, in Crime No.35 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Prabhu who is working as a delivery man in Zomato is that when he was gone out for delivering food to the customer, the accused had picked up quarrel with him, abused him in a filthy language and assaulted him with bracelet on his face and chest area, resulting in him sustaining injuries. 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. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court and he is in custody from 27.01.2023. Hence, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner along with other accused waylaid the defacto complainant, abused him in a filthy language and



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assaulted him with bracelet on his face, mouth and head, due to which, he sustained grievous injuries. He further submitted that the injured has been discharged from the hospital and there is no previous case pending against the petitioner. However, he opposed to grant bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and the period of incarceration undergone by the petitioner and also taking note of the fact that the injured has been discharged from the hospital, 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.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate, Katpadi** and on further conditions that:

[a] the sureties shall affix their photographs and



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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, daily at 10.30 a.m., until further orders ;

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

[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.

16.03.2023

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To
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- 1.The Judicial Magistrate,
Katpadi.
- 2.The Inspector of Police,
Katpadi Police Station,
Vellore District.
- 3.The Central Prison,
Vellore.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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