



WEB COPY



Crl.O.P.No.7473 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2023

CORAM

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

Crl.O.P.No.7473 of 2023

Alert Koiya Thoppu Alexander @ Koriya Thoppu ... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Elavanasoorkottai Police Station,
Kallakurichi District.

Crime No.313 of 2022. ... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner/accused on bail, in connection with the
Crime No.313 of 2022, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.V.Parthiban

For Respondent : Mr.C.E.Pratap
Government Advocate (crl.side)



Crl.O.P.No.7473 of 2023

WEB COPY

ORDER

(This case has been heard through Video Conferencing)

The petitioner, who was arrested and remanded to judicial custody on 27.02.2023, for the alleged offences punishable under Sections 147, 148, 341, 294(b), 323, 324 & 307 of IPC in Crime No.313 of 2022, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Albert Edison, is that due to the previous enmity, with regard to the money transaction, the accused waylaid the *de-facto* complainant and his relative, abused the de-facto complainant in a filthy language and assaulted him with stones, wooden logs and hands, due to which, he sustained grievous injuries in his head. Hence the case.

3. Learned counsel appearing for the petitioner submitted that this is the second application for bail filed by the petitioner before this Court and this Court had earlier dismissed the bail petition filed by the petitioner in Crl.O.P.No.6420 of 2023 vide order dated 21.03.2023, on the ground that



Crl.O.P.No.7473 of 2023

the petitioner is having 10 previous cases including three cases registered under Section 307 IPC. He also submitted that the petitioner is in custody from 27.02.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. He further submitted that the petitioner is prepared to furnish adequate sureties and hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that the petitioner (A2) is a habitual offender, against whom, 10 previous cases are pending and this is his second application for bail before this Court. He further submitted that as far as this case is concerned, the petitioner along with other accused, due to the existing money dispute, abused and assaulted the *de-facto* complainant with stones and hands, due to which, he sustained grievous injuries. He also submitted that the injured has been discharged from the hospital, however, on considering the bad antecedents of the petitioner, he vehemently opposed for grant of bail to the petitioner.



Crl.O.P.No.7473 of 2023

WEB COPY

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side and taking note of the previous antecedents of the petitioner, this Court had dismissed the earlier bail application of the petitioner on 21.03.2023, however, on considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.25,000/- (Rupees Twenty five 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, Ulundurpet, Kallakurichi.** and on further conditions that:



Crl.O.P.No.7473 of 2023

[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 petitioner shall stay at Chennai and report before the Inspector of Police, R4, Soundarapandianar Police Station, everyday at 10.30a.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.

06.04.2023

ham



Crl.O.P.No.7473 of 2023

WEB COPY

To

1. The Judicial Magistrate No.I,
Ulundurpet, Kallakurichi.
2. The Inspector of Police,
Elavanasoorkottai Police Station,
Kallakurichi District.
3. The Sub Jail,
Ulundurpet, Kallakurichi.
4. The Inspector of Police,
R4, Soundarapandianar Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.7473 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.7473 of 2023

06.04.2023