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Crl.O.P.No.8438 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

CORAM

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

Crl.O.P.No.8438 of 2023

Siva @ Karandu Siva

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai.

(Crime No.31 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.31 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.S.Senthilvel

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 10.02.2023, for the alleged offences punishable under Sections 341, 294(b) & 307 of IPC in Crime No.31 of 2023, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Padmanaban, is that the accused have waylaid the de-facto complainant, while he was returning back from work, abused him in a filthy language and attempted to murder him by assaulting him with knife, due to which, he sustained grievous injuries. Hence the case.

3. Learned counsel appearing for the petitioner submitted that this is the second application for bail filed by the petitioner and this Court had dismissed the earlier bail application filed in Crl.O.P.No.6450 of 2023 vide order dated 21.03.2023 on the ground that the petitioner is a habitual offender having several previous cases. He further submitted that this case has been foisted against the petitioner, only in order to keep him under



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fetters. He also submitted that all other co-accused in this case have been granted bail by the learned Principal Sessions Judge, Chennai in Crl.M.P.Nos.4110 & 4580 of 2023 dated 22.02.2023 & 01.03.2023. He also submitted that the petitioner is in custody from 10.02.2023 and he is also ready to stay far away from the jurisdictional limit of the respondent. He further submitted that the petitioner is also prepared to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that this is the second bail application of the petitioner (A3), who is a habitual offender and a history sheeted rowdy, against whom, 9 previous cases are pending. He further submitted that as far as this case is concerned, the petitioner along with other accused, have waylaid the de-facto complainant, abused and assaulted him with knife, due to which, he sustained grievous injuries. He also submitted that the investigation is still pending, hence, he vehemently opposed for grant of bail to the petitioner.



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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 also considering the period of incarceration undergone by the petitioner, 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 XIII Metropolitan Magistrate, Egmore, Chennai**, 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;



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[b] the petitioner shall stay at Virudhunagar and report before the Inspector of Police, Virudhunagar West Police Station, everyday 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.

19.04.2023

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To

1. The XIII Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai.
3. The Central Prison, Puzhal
Chennai.
4. The Inspector of Police,
Virudhunagar West Police Station,
Virudhunagar.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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