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Crl.O.P.No.8324 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2023

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

Crl.O.P.No.8324 of 2023

Nagaraj

... Petitioner

Vs.

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

(Crime No.424 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.424 of 2022, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.G.Thamizhazhagan

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 27.02.2023, for the offences punishable under Sections 294(b), 324, 506(ii) of IPC @ 147, 148, 294(b), 307, 323, 324, 506(ii) of IPC, in Crime No.424 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Nagaraj, is that since he had questioned the accused, who were consuming alcohol in the temple, the accused had abused him in a filthy language and assaulted him with beer bottle and knife, causing grievous injuries and also, threatened him with dire consequences. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, aged about 22 years, is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner has nothing to do with the alleged offence and he is in custody from 27.02.2023 and he is also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the de-facto complainant had questioned the petitioner (A1) and others since they were consuming alcohol in the temple and scolded not to do the same, due to which, the petitioner along with other accused, in an inebriated condition, had abused and assaulted the de-facto complainant with beer bottle and knife, causing grievous injuries. He further submitted that the injured has been discharged from the hospital and the investigation in this case is still pending. He also submitted that 7 previous cases are pending against the petitioner, hence, he opposed for grant of bail to the petitioner.

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 fact that the injured has been discharged from the hospital and



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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**, for a like sum to the satisfaction of the **learned Judicial Magistrate, Arakkonam**, 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 petitioner shall stay at Madurai and report before the Inspector of Police, Thallakkulam 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



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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 Judicial Magistrate,
Arakkonam.
2. The Inspector of Police,
Arakkonam Town Police Station,
Arakkonam,
Vellore District.
3. The Central Prison,
Vellore.
4. The Inspector of Police,
Thallakkulam Police Station,
Madurai District.
5. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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