



Crl.O.P.No.8873 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM

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

Crl.O.P.No.8873 of 2023

Vijay @ Monkey Vijay

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
P-2, Otteri Police Station,
Otteri, Chennai - 12.

(Crime No.84 of 2023).

... 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.84 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.K.V.Kalaivanan

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



CrI.O.P.No.8873 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.03.2023, for the offences punishable under Sections 341, 294(b), 324, 307 & 506(ii)IPC, in Crime No.84 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant, Asha, is that there was a dispute between A1 and the de-facto complainant, since the de-facto complainant has questioned A1 for beating the dog with wooden log. Due to which, on 28.02.2023, A1 along with other accused abused the de-facto complainant and assaulted her with knife, in which, the de-facto complainant sustained grievous injuries. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner, who is arrayed as A3, is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is no way connected with the alleged offence. He further submitted that the name of the petitioner does not find place in the First Information Report and he is in



Crl.O.P.No.8873 of 2023

custody from 02.03.2023. He also submitted that similarly placed co-accused have been granted bail by the learned Principle Sessions Judge, Chennai in Crl.M.P.No.8565 of 2023 dated 12.04.2023. He also submitted that the petitioner is ready to abide by any other 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 due to the previous dispute, the petitioner along with other accused, abused and attempted to commit murder of the *de-facto* complainant, by assaulting her with knife, due to which, she sustained grievous injuries. He further submitted that the injured has been treated as in-patient and discharged from the hospital on 19.03.2023. He also submitted that as far as this petitioner is concerned, 17 previous cases are pending against him. Hence, he vehemently 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.



CrI.O.P.No.8873 of 2023

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 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 X Metropolitan Magistrate, Egmore**, 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 report before the respondent Police, everyday at 09.00 a.m. and 6.30p.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,



CrI.O.P.No.8873 of 2023

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.

25.04.2023

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To

1. The X Metropolitan Magistrate,
Egmore.
2. The Inspector of Police,
P-2, Otteri Police Station,
Otteri, Chennai - 12.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA.,J.



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Crl.O.P.No.8873 of 2023

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Crl.O.P.No.8873 of 2023

25.04.2023