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CrI.OP.No.9669 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.05.2023

CORAM

THE HON'BLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.9669 of 2023

Madhan @ Madhankumar

..Petitioner

Vs.

The State Represented by
The Inspector of Police,
N2, Kasimedu Police Station,
Chennai.

(Crime No.86 of 2023)

..Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail in Crime No.86 of 2023 on the file of
the respondent Police.

For Petitioner : Mr.S.Senthilvel

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on
27.03.2023 for the offence punishable under Sections 147, 148, 294(b), 323,
324 and 307 of IPC, in Crime No.86 of 2023 on the file of the respondent
police, seeks bail.



Crl.OP.No.9669 of 2023

2. The case of the prosecution is that there are totally 5 accused, in which the petitioner is arrayed as A1. There was a wordy quarrel between the accused and the defacto complainant. The petitioner along with other accused abused the defacto complainant in filthy language and also attacked him with knife and threatened him with dire consequences, due to which the defacto complainant sustained injuries. Hence, the present case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and he is no way connected with the offence as alleged by the prosecution. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that there are totally 5 accused, in which the petitioner is arrayed as A1. The petitioner along with other accused abused the defacto complainant in filthy language and also attacked him with knife and threatened him with dire consequences, due to which the defacto complainant sustained injuries. He also submitted that the injured has been discharged from the hospital on 30.03.2023. He also submitted that the petitioner is a history



Crl.OP.No.9669 of 2023

sheeter and he is having 20 previous cases pending against him. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case, and also considering the period of incarceration undergone by the petitioner from 27.03.2023, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, **the petitioner shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), directly to the defacto complainant.** On such production of acknowledgement for the same, 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 blood related sureties**, each for a like sum to the satisfaction of the learned XVI Metropolitan Magistrate, George Town, 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.

[b] the petitioner shall stay at Perundurai and report before the Inspector of Police, Perundurai Police Station, daily at 10.30 a.m, and 05.00 p.m, for a period of four weeks and thereafter report before the respondent Police daily at 10.30 a.m., and 05.00 p.m, until further orders.



CrI.OP.No.9669 of 2023

WEB COPY

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

04.05.2023

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WEB COPY



Crl.OP.No.9669 of 2023

To

1. The XVI Metropolitan Magistrate, George Town, Chennai.
2. The Inspector of Police,
N2, Kasimedu Police Station,
Chennai.
3. The Inspector of Police,
Perundurai Police Station.
4. The Central Prison,
Puzhal II,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



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Crl.OP.No.9669 of 2023

G.K.ILANTHIRAIYAN, J.

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Crl.O.P.No.9669 of 2023

04.05.2023