



Crl.O.P.No.11572 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

Crl.O.P.No.11572 of 2023

R.Kirubakaran

... Petitioner

Vs.

State of Tamilnadu represented by,
The Inspector of Police,
M4, Redhills Police Station,
Thiruvallur District.
(Crime No.722 of 2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in Crime No.722 of 2022, on the file
of the Inspector of Police, M4, Redhills Police Station, Thiruvallur District.

For Petitioner : Mr.S.N.Subramani

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 27.04.2023, in connection with Crime No.722 of 2022 registered for the
offence punishable under Sections 294(b), 324, 506(ii) and 397 of IPC,
seeks bail.



Crl.O.P.No.11572 of 2023

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2. The case of the prosecution is that on 23.10.2022, at about 6.45 p.m., due to the purchase of crackers by the defacto complainant and on refusal to give the same, the petitioner had assaulted him with knife and thereby caused injuries to him. Hence, the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the co-accused was already released on bail. He would further submit that the petitioner is in judicial custody for the past 21 days. Hence, he prayed for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor (Crl.Side) appearing for the respondent submitted that the defacto complainant purchased crackers and given to his friend, when he was taking to house, the petitioner herein demanded the same and asked the defacto complainant to purchase cracker for the petitioner also and the same was refused by the defacto complainant, due to which the petitioner assaulted with knife and the victim sustained nose



Crl.O.P.No.11572 of 2023

injury. He further submitted that there are two previous cases against the petitioner. He further submitted that seven witnesses have been examined. He further submitted that the injured has been discharged from the hospital. However, he opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and taking note of 21 days of incarceration of the petitioner, seven witnesses have been examined and injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Accordingly, the 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**, each for a like sum to the satisfaction of the **learned Judicial Magistrate-II, Ponneri**, 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



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Crl.O.P.No.11572 of 2023

learned respondent police on every Saturday 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.

18.05.2023

gv/Uma



CrI.O.P.No.11572 of 2023

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To

1. The Judicial Magistrate-II,
Ponneri.
2. The Inspector of Police,
M4, Redhills Police Station,
Thiruvallur District.
3. The Sub-Prison,
Ponneri.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.11572 of 2023

A.A.NAKKIRAN, J.

gv/uma

Crl.O.P.No.11572 of 2023

18.05.2023