



Crl.O.P.No.13194 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A. NAKKIRAN

Crl.O.P.No.13194 of 2023

Vignesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
K 7 - ICF Police Station,
Chennai.
(Crime No.51 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in Crime No.51 of 2023, on the file
of the respondent police.

For Petitioner : Mr.J.Dinesh

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 02.04.2023, in connection with Crime No.51 of 2023 registered for the
offences punishable under Sections 323, 324 and 302 r/w. 34 of IPC, seeks
bail.



Crl.O.P.No.13194 of 2023

2. The case of the prosecution is that the petitioner along with other accused picked up wordy quarrel demanding money from the brother of the defacto complainant and attacked him with stone and knife causing grievous injuries on his nose and head and thereafter he was declared dead in the hospital. Hence the case.

3. Learned counsel for the petitioner submitted that the petitioner is an innocent person. He has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case. He was arrested on 02.04.2023 and is in judicial custody for nearly 75 days. He further submitted that the co-accused A1 and A3 were already released on bail and hence, he prayed for grant of bail to the petitioner.

4. Learned learned Additional Public Prosecutor (Crl.Side) appearing for the respondent has submitted that the petitioner along with other accused picked up the quarrel with the defacto complainant's brother demanding money from him during which they had assaulted him and thereby caused grievous injuries to him. Later the victim was declared dead in the hospital. This is the second bail application. He further submitted that



Crl.O.P.No.13194 of 2023

three witnesses have been examined. He further submitted that A1 and A3 were already released on bail. However, he strongly opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner is in incarceration for the past 75 days, three witnesses have been examined and the co-accused A1 and A3 were already released on bail, 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 **V-Metropolitan Magistrate Court, 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;



CrI.O.P.No.13194 of 2023

[b] the petitioner shall report before the respondent police 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.

gv

16.06.2023



WEB COPY



Crl.O.P.No.13194 of 2023

To

1. The V-Metropolitan Magistrate Court, Egmore,
2. The Inspector of Police,
K 7 - ICF Police Station,
Chennai.
3. The Central Prison-II
Puzhal, Chennai-66.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.13194 of 2023

A.A.NAKKIRAN, J.

gv

Crl.O.P.No.13194 of 2023

16.06.2023