



Crl.O.P.No.12677 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM

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

Crl.O.P.No.12677 of 2023

Srivas
S/o Elumalai

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
M-3 Puzhal Police Station,
Chennai District.

(Crime No.308 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in connection with the Crime No.308
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.J.Samiullah

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



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CrI.O.P.No.12677 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.05.2023, for the offences punishable under Sections 448, 294(b), 427, 324 and 506(ii) of IPC @ 448, 294(b), 427, 324 and 506(ii) of IPC r/w Section 120(b) and 109 IPC, in Crime No.308 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on account of property dispute, the petitioner along with other accused have trespassed into the house of the defacto complainant, abused him in a filthy language and assaulted him with knife and also threatened him, due to which, he sustained grievous injuries. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and due to previous enmity, he has been falsely implicated in this case. He also submitted that the defacto complainant had cheated the petitioner and there was a quarrel, during such time, the incident had happened. He further submitted that the petitioner is in custody



Crl.O.P.No.12677 of 2023

from 13.05.2023 and major part of the investigation has been completed.

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 property dispute, the petitioner along with other accused have trespassed into the house of the defacto complainant and assaulted him with knife, resulting in him sustaining grievous injuries. He further submitted that one previous case is pending against the petitioner registered for the offence under Section 498A IPC. He also submitted that the injured has been discharged from the hospital. Therefore, 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 that the injured has been discharged from the hospital and also considering the period



CrI.O.P.No.12677 of 2023

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 District Munsif cum Judicial Magistrate, Madhavaram**, 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 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



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CrI.O.P.No.12677 of 2023

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.

08.06 .2023

vkr

To

1. The District Munsif cum Judicial Magistrate,
Madhavaram.
2. The Inspector of Police,
M-3 Puzhal Police Station,
Chennai District.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.12677 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.12677 of 2023

08.06.2023