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Crl.O.P.No.13699 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM

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

Crl.O.P.No.13699 of 2023

Arunkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
P-5 Police Station, M.K.B Nagar,
Chennai.

(Crime No.715 of 2022).

... 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.715 of 2022, pending investigation on the file of the respondent
Police.

For Petitioner : M/s.AGD Balakumar

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



Crl.O.P.No.13699 of 2023

ORDER

The petitioner, who was arrested and remanded to judicial custody on 01.03.2023 for the alleged offences under Sections 294(b), 323, 307 and 506(ii) of IPC in crime No.715 of 2022 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 25.09.2022, around 1.30 a.m., when the *de facto* complainant, who is working as Water Board Lorry Driver in Vyasarpadi area, was sleeping in the lorry, the accused had picked up the quarrel with him, during which, they had abused and assaulted him with knife, causing injuries. Hence the case.

3. Learned counsel appearing for the petitioner submitted that this is the second application for bail filed by the petitioner before this Court and this Court had dismissed the earlier bail application in Crl.O.P.No.9808 of 2023 vide order dated 05.05.2023 stating that the petitioner is a habitual offender having 18 previous cases. He further submitted that the petitioner was arrested on 01.03.2023 and he is in custody for more than 100 days and till date, the final report has not been filed by the respondent Police, thereby,



Crl.O.P.No.13699 of 2023

the petitioner is entitled for statutory bail under Section 167(2) Cr.P.C.

Hence, he prayed for grant of bail to the petitioner.

4. The respondent has filed a detailed counter and for the previous antecedents of the petitioner are extracted hereunder.

<i>S No.</i>	<i>P.S. & Crime No.</i>	<i>Sections</i>	<i>Stage</i>
1.	P-5, M.K.B. Nagar, P.S. Cr. No. 1416/2017	u/s 341, 294(b), 323, 324, 506(ii) of IPC	Under Investigation
2.	P-5, M.K.B. Nagar, P.S. Cr. No. 1107/2017	u/s 341, 294(b), 506(ii) of IPC and Sec. 3 of TNPPDL Act	Under Investigation
3.	P-5, M.K.B. Nagar, P.S. Cr. No. 1685/2017	302 & 506(ii) of IPC	pending trial in S.C.No.148/2020 - XVII Additional Sessions Court
4.	P-5, M.K.B. Nagar, P.S. Cr. No.990/2018	341, 392, 397, 506(ii) of IPC	Under Investigation
5.	P-5, M.K.B. Nagar, P.S. Cr.No.567/2019	341, 294(b), 336, 392, 397, 506(ii)	Under Investigation
6.	P-5, M.K.B. Nagar, P.S. Cr.No.710/2020	341, 392, 397 IPC	Under Investigation
7.	P-5, M.K.B. Nagar, P.S. Cr. No.1185/2021	147, 148, 341, 294(b), 323, 397, 506(ii) IPC	Under Investigation
8.	P-5, M.K.B. Nagar, P.S. Cr. No.1426/2017	379 IPC	Under Investigation
9.	P-5, M.K.B. Nagar, P.S. Cr.No.135/2022	457, 380 IPC	Under Investigation
10.	P-5, M.K.B. Nagar, P.S. Cr. No. 1082/2011	341, 324, 506(i) IPC	Under Investigation
11.	P-5, M.K.B. Nagar, P.S.	341, 294(b), 506(ii)	Under Investigation



Crl.O.P.No.13699 of 2023

S No.	P.S. & Crime No.	Sections	Stage
	Cr. No.1091/2017	IPC & Sec 3 of TNPPDL	
12.	P-5, M.K.B. Nagar, P.S. Cr.No.1150/2020	341, 336, 397, 427 506(ii) IPC	Under Investigation
13.	P-5, M.K.B. Nagar, P.S. Cr. No.770/2019	341, 294(b) 397, 506(ii) IPC	Under Investigation
14.	P-5, M.K.B. Nagar, P.S. Cr.No.52/2020	341, 294(b),307, 506(ii) IPC	Under Investigation
15.	P-6, Kodungaiyur PS Crime No.191/2020	392 IPC	Under Investigation
16.	E-5, Cholavaram No.143/2020	394 IPC	Under Investigation
17.	P-6, Kodungaiyur Crime No.173 of 2020	341, 294(b), 394, 397, 506(ii) IPC	Under Investigation
18.	M-6 PS CrimeNo.1896 of 2020	341, 294(b), 336, 427, 392, 397, 506(ii) IPC	Under Investigation

5. Learned Government Advocate (Crl.side) appearing for the respondent police submitted that the petitioner along with other accused have abused and assaulted the de-facto complainant, causing grievous injuries. He further submitted that the petitioner is a habitual offender, against whom, 18 previous cases are pending which have been extracted above. He also submitted that this is the second bail application of the petitioner. He fairly conceded that the charge sheet has not been filed so far. However, he opposed to grant bail to the petitioner.



Crl.O.P.No.13699 of 2023

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6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record.

7. In view of the above, this Court is of the opinion that the petitioner is stated to be a history sheeted rowdy, against whom, 18 previous cases are pending, whereas, the respondent Police has not filed the final report in this case till date, therefore, taking into consideration the facts that till date, the respondent has not filed the final report and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner under Section 167(2) Cr.P.C., with certain conditions.

8. 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 X Metropolitan Magistrate, Egmore**, and on further conditions that:



CrI.O.P.No.13699 of 2023

[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 06.30 p.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]*;



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CrI.O.P.No.13699 of 2023

[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

23.06.2023

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To

1. The X Metropolitan Magistrate,
Egmore.
2. The Inspector of Police,
P-5 Police Station, M.K.B Nagar,
Chennai.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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Crl.O.P.No.13699 of 2023

A.D.JAGADISH CHANDIRA.,J.

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Crl.O.P.No.13699 of 2023

23.06.2023