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Crl.O.P.No.13253 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2023

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

Crl.O.P.No.13253 of 2023

Karthikeyan

... Petitioner

Vs.

State rep by
The Inspector of Police
K-5, Peravallore Police Station,
Chennai.
Crime No.110 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.110 of 2023 on the file
of the respondent police.

For Petitioner : Mr.P.Babu

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

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 19.05.2023 for the offences punishable under Sections 294(b), 324, 307
and 506(ii) of IPC in Crime No.110 of 2023 on the file of the respondent
police, seeks bail.

2. The case of the prosecution is that due to previous enmity, the



petitioner along with other accused have abused the defacto complainant in a filthy language and assaulted him with knife, resulting in him sustaining grievous injuries. Hence the case.

3.Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the fact remains is that since the petitioner has got some previous cases, the respondent in order to keep the petitioner under fetters, has registered a false case through the de-facto complainant. He further submitted that the co-accused in this case namely Vijaya Kumar @ Vijay has been granted anticipatory bail by the trial Court. He also submitted that the petitioner is in custody from 19.05.2023, hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent submitted that due to previous enmity, the petitioner along with other accused have abused the defacto complainant in a filthy language and assaulted him with knife, resulting in him sustaining grievous injuries. He further submitted that six previous cases are pending against the petitioner and that the injured has been discharged from the hospital. Hence, he



opposed for grant of bail to the petitioner.

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5. Heard the learned Counsels and perused the materials available on record including the FIR.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel on either side, the period of incarceration undergone by the petitioner and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant of bail to the petitioner with certain condition.

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 V Metropolitan Magistrate, Egmore, 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 report before the respondent Police, everyday at 10.00 a.m and 6.30 p.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

21.06.2023

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To

1. The Metropolitan Magistrate No.V,
Egmore, Chennai.
2. The Inspector of Police
K-5, Peravallore Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.

A.D.JAGADISH CHANDIRA,J.,



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