



Crl.O.P.No.14075 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.14075 of 2023

S.Devaraj @ Deva

... Petitioner

Vs.

State represented by,
The Inspector of Police
Thiruvallur Town Police Station,
Thiruvallur District.

Crime No.287 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.287 of 2023, pending
investigation on the file of the respondent police.

For Petitioner : Mr.M.Jaikumar

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



ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.05.2023, for the offences punishable under Sections 147, 148, 448, 294(b), 324, 506(ii), 307 and 120B of IPC, in Crime No.287 of 2023, registered on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de facto* complainant/ Kalaiselvan is that due to previous enmity, the accused had trespassed into the medical shop, which was run by his brother and indiscriminately assaulted his brother using knife, 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 he has been falsely implicated in this case, since he happens to be the friend of the other accused in this case. He further submitted that even the name of the petitioner does not find place in the First Information Report and he was arrested only based on the suspicion. He further submitted that the injured has been discharged from the hospital and that he is in custody from 15.05.2023. He also submitted that the co-accused in this case has already been granted bail by this Court in Crl.O.P.No.13269 of 2023 dated 19.06.2023. Hence, he prayed for grant of



bail to the petitioner.

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4. Learned Government Advocate (Crl.Side) appearing for the respondent submitted that due to previous enmity, the petitioner along with other accused trespassed into the medical shop, which was run by the *defacto* complainant's brother and assaulted him with knife, due to which, he sustained grievous injuries. He further submitted that the injured has been discharged from the hospital. Hence, he opposed for grant of bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondent 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 conditions.



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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 Judicial Magistrate No.I, Thiruvallur** 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 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



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can be registered under Section 229A IPC.

23.06.2023

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To

1. The Judicial Magistrate No.I,
Thiruvallur.
2. The Inspector of Police
Thiruvallur Town Police Station,
Thiruvallur District.
3. The Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA,J.,

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