



Crl.O.P.No.14181 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

CORAM

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

Crl.O.P.No.14181 of 2023

Vicky @ Vignesh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Kannagi Nagar Police Station,
Chennai.

(Crime No.438 of 2019).

... 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.438 of 2019, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.A.Thirumaran

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.05.2023 for the offences punishable under Sections 294(b), 323, 324, 307, 336 and 506(ii) of IPC in Crime No.438 of 2019, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that due to previous enmity, the accused have abused the defacto complainant in a filthy language and assaulted him with 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 due to previous enmity, a false complaint has been given against him. He further submitted that the petitioner has nothing to do with the alleged offence and he is ready to abide by any stringent condition that may be imposed by this Court. He also submitted that the petitioner is in custody from 03.05.2023, hence, he prayed for grant of bail to the petitioner.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that due to previous enmity, the accused have abused the defacto complainant in a filthy language 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 Police 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 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)**



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with **two sureties**, out of which, one should be either the mother or father of the petitioner, each for a like sum to the satisfaction of the **learned Judicial Magistrate No.II, Alandur** 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 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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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

26.06.2023

vk

To

1. The Judicial Magistrate No.II,
Alandur.
2. The Inspector of Police,
Kannagi Nagar Police Station,
Chennai.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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