

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2023

CORAM

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

Crl.O.P.No.14339 of 2023

Boopa @ Boopathy

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Manimangalam Police Station,
Chengalpattu District.

(Crime No.94 of 2023).

... Respondent

PRAYER : Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner/accused on bail, in connection with the
Crime No.94 of 2023, pending investigation on the file of the respondent
Police.

For Petitioner : Mr.G.Mageshkumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.05.2023, for the alleged offences under Sections 294(b), 323, 324, 364, 307 & 506(ii) of IPC, in Crime No.94 of 2023, registered on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to the previous enmity, the accused persons abducted the de-facto complainant's brother to a secluded place, abused him 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, aged about 20 years, is an innocent person and he has been falsely implicated in this case. He also submitted that the petitioner is nothing to do with the alleged offence and he has been unnecessarily roped in this case. He further submitted that the petitioner is in custody from 11.05.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court. 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 the previous enmity with regard to the buying of contraband, the petitioner (A2) along with other accused, had abducted the brother of the de-facto complainant, abused him in a filthy language and assaulted him with a knife, due to which, he sustained grievous injuries. He also submitted that the injured has been discharged from the hospital and the investigation in this case is still pending. He further submitted that two previous cases are pending against this petitioner. However, 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 sides, taking note of the period of incarceration undergone by the petitioner and also considering the fact that the injured has been discharged from the hospital, 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 each 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.II, Tambaram**, 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 stay at Sivagangai and report before the Inspector of Police, Sivagangai Town Police Station, 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]***;

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

27.06.2023

To

1. The Judicial Magistrate No.II,
Tambaram.
2. The Inspector of Police,
Manimangalam Police Station,
Chengalpattu District.
3. The Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.
5. The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.

Crl.O.P.No.14339 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.14339 of 2023

27.06.2023