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CrI.OP.No.14444 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.07.2023

CORAM

THE HON'BLE MR. JUSTICE **G.CHANDRASEKHARAN**

CrI.OP.No.14444 of 2023

Sathya @ Bombay Raj

..Petitioner

Vs.

The State Rep by
The Inspector of Police,
D.3, Ice House Police Station,
Chennai.
Crime No.142 of 2023

...Respondent.

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C.
praying to enlarge the petitioner on bail pending investigation in Crime
No.142 of 2023 on the file of the respondent.

For Petitioner : Mr.K.Madhan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (CrI.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 29.05.2023 for the offences punishable under Sections 294(b), 324, 354, 506(ii) of IPC in Crime No.142 of 2023 on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submitted that, in a family dispute, it is alleged that, petitioner had beaten his sister/defacto complainant. On the basis of the complaint given by the defacto complainant, FIR in Crime No.142 of 2023 was registered. Petitioner is in Judicial Custody from 29.05.2023. Thus, he prays for grant of bail to the petitioner.

3. The learned Government Advocate (Crl. Side) opposes the petition on the ground that, defacto complainant had some matrimonial dispute with her husband and therefore she left her matrimonial home and stayed in her elder brother's house. However, petitioner did not like the defacto complainant staying in her elder brother's house. Therefore, petitioner abused the defacto complainant and pushed her out of the



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home. He further submitted that, there are thirteen previous cases pending against the petitioner.

4. It appears from the allegations that the dispute between the petitioner and the defacto complainant is in connection with matrimonial discord between the defacto complainant and her husband. Taking into consideration the fact that the petitioner is in Judicial Custody from 29.05.2023 and the substantial part of the investigation might have been over by this time, this Court is inclined to grant bail to the petitioner.

5. 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 **II 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.



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[b] the petitioner shall report before the respondent police daily 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 absconds, a fresh FIR can be registered under Section 229A IPC.

03.07.2023

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To

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1. II Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
D.3, Ice House Police Station,
Chennai.
3. Central Prison,
Puzhal, Chennai.
4. The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

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