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Crl.O.P.No.15420 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.07.2023

CORAM:

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

Crl.O.P.No.15420 of 2023

Sugumar

.. Petitioner

/versus/

The State rep.by
The Inspector of Police,
K2-Ayyanavaram Police Station,
Chennai.
(Crime No.179 of 2023)

.. Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code, praying to enlarge the petitioner on bail pending investigation in Crime No.179 of 2023 on the file of the respondent police.

For Petitioner

:Mr.A.Vinoth Kumar

For Respondent

:Mr.S.Vinoth Kumar
Government Advocate

ORDER

The petitioner, who was arrested and remanded to judicial custody on 19.05.2023 for the offence punishable under Sections 294(b),



Crl.O.P.No.15420 of 2023

WEB COPY

323 and 307 of IPC, in Crime No.179 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that due to the previous enmity, the accused had waylaid the defacto complainant, abused him in a filthy language and assaulted him with knife, due to which, he sustained injuries and ran away from the scene of occurrence. Hence the case.

3.Learned counsel appearing for the petitioner submitted that this is the second application for bail filed by the petitioner and the earlier application for bail in Crl.O.P.No.13106 of 2023 was dismissed on 14.06.2023 on the ground that the petitioner has got 11 previous cases against him. He further submitted that the fact remains is that 11 previous cases have been registered for the offence under Section 379 of IPC and the petitioner was granted bail in all the previous cases and only in order to keep the petitioner in continued fetters, a false case has been foisted against him through the defacto complainant. He further submitted that a very reading of the FIR would go to show that it is a case foisted for the



Crl.O.P.No.15420 of 2023

WEB COPY

purpose of a ground case for detaining the petitioner. He also submitted that all the co-accused in this case have been granted bail and major part of the investigation has been completed. He also submitted that the petitioner is in custody from 19.05.2023 and hence, he prayed for grant of bail to the petitioner.

4.Learned Government Advocate (crl.side) appearing for the respondent Police submitted that the petitioner is a habitual offender, against whom, there are 11 previous cases. As far as this case is concerned, due to the previous enmity, the petitioner along with other accused had waylaid the defacto complainant, abused him and assaulted him with knife. Due to which, he sustained simple injuries. He also submitted that the injured has been discharged from the hospital. However, he opposed for grant of bail to the petitioner.

5.Heard the learned Counsel for the petitioner and the learned Government Advocate and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and submissions made by the learned counsel on either side and also



Crl.O.P.No.15420 of 2023

considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

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** 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 Cuddalore and report before the Inspector of Police, Cuddalore Old Town Police Station, 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;



WEB COPY



Crl.O.P.No.15420 of 2023

[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.

17.07.2023

vkr

To

- 1.The V Metropolitan Magistrate,
Egmore.
- 2.The Inspector of Police,
K2-Ayyanavaram Police Station,
Chennai.
- 3.The Inspector of Police,
Cuddalore Old Town Police Station.
- 4.The Central Prison II,
Puzhal.
- 5.The Public Prosecutor,
High Court, Madras.



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Crl.O.P.No.15420 of 2023

A.D.JAGADISH CHANDIRA,J.

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Crl.O.P.No.15420 of 2023

17.07.2023