



Crl.O.P.No.19805 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM

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

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M.Magesh

...Petitioner

Vs.

State Represented by;
The Inspector of Police,
Vellore Taluk Police Station,
Vellore,
Crime No.145/2023

...Respondent

PRAYER:Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner /Accused-A3 on Bail in Cr.No.145/2023 on the file of the Respondent Police.

For Petitioner : M/S.S.Siva Kumar

For Respondent : Mr.S.Rajakumar,
Additional Public Prosecutor



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 06.07.2023 for the offences punishable under Sections 294 (b), 323, 324, 506 (2) and 307 I.P.C, 1860, in Crime No.145 of 2023 on the file of the respondent police, seeks bail.

2.The learned counsel for the petitioner submitted that, petitioner is an innocent person and he has been falsely implicated in this case. Petitioner is in Judicial Custody from 06.07.2023. Thus, he seeks bail to the petitioner.

3.In response, learned Additional Public Prosecutor submitted that, defacto complainant was working under one Selvakumar in Ragavendra Juice Shop. On 26.05.2023 at about 12.30 a.m.,one person was speaking in an abusive language. When defacto complainant along with one Karthik questioned him, as to why he was speaking like that, there arose a wordy quarrel. Thereafter, at about 02.45.a.m., he came with two persons and attacked the defacto complainant and others using sharp



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knife. As a result, two persons were injured. He further submitted that, apart from this case, there is one previous case pending against the petitioner. Hence, he opposed for grant of bail to the petitioner.

4.Considered the rival submissions and perused the records.

5.This is the second bail petition. Earlier bail petition in Crl.O.P.No.16557 of 2023 was dismissed on 26.07.2023, for the reason that investigation in this case is not completed and there is one previous case pending against the petitioner. Now, it is informed by the learned Additional Public Prosecutor that investigation in this case is completed and final report is filed and it is yet to be taken on file.

6.Considering the fact that investigation in this case is completed and that petitioner is in judicial custody from 06.07.2023, this Court is inclined to grant bail to the petitioner with conditions.

7. Accordingly, the petitioner is ordered to be released on bail on



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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, Vellore**, 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 at 10.00.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.



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To

1.The Judicial Magistrate No.1, Vellore.

2.The Inspector of Police,
Vellore Taluk Police Station
Vellore.

3.Central Prison,
Vellore.

4.The Public Prosecutor,
High Court of Madras



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G.CHANDRASEKHARAN. J.

ep/veda

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