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CrI.OP.No.22753 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2023

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.OP.No.22753 of 2023

Nandagopal
S/o. Govindasamy

...Petitioner

Vs.

State represented by the
Inspector of Police,
Thiruverkadu Police Station,
Chennai – 600 077.

(Crime No.450 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner's on bail in Crime No. 450 of 2023 on the file of respondent police on such terms and conditions.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.R.Kishore Kumar
Government Advocate (CrI. Side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 13.07.2023 for the offence punishable under Sections 294(b), 324, 341, 307 & 506(ii) of IPC, in Crime No.450 of 2023 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that due to previous enmity, the petitioner had abused the defacto complainant in filthy language and assaulted him with concrete stone thereby the defacto complainant's husband sustained head injury. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the husband of the defacto complainant had fallen down in a drunken state and sustained injuries. He further submitted that the injured has been discharged from the Hospital. Hence, he prays for grant of bail to the petitioner.



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4. The learned Government Advocate (Crl. Side) for the respondent stated that due to previous enmity, the petitioner had abused the defacto complainant's husband in filthy language and assaulted him with concrete stone thereby the defacto complainant's husband sustained grievous injury on his head. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the facts and circumstances and taking into consideration the period of incarceration by the petitioner from 13.07.2023 and the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioner subject to the following conditions.

6. 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 Judicial Magistrate – II, Poonamallee, and on further conditions that :-



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[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 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.

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To

1. Judicial Magistrate-II,
Poonamallee.
2. Central Prison,
Puzhal, Chennai.
3. The Public Prosecutor,
High Court of Madras



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C.V.KARTHIKEYAN. J.

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