

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2023

CORAM:

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.22452 of 2023

Jayanthinathan

.. Petitioner

Vs.

State Rep.by
The Inspector of Police,
R-2, Kodambakkam Police Station,
Chennai District.
(Crime No.435 of 2020)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C
praying to enlarge the Petitioner on bail, pending investigation in Crime
No.435 of 2020 on the file of the Respondent Police.

For Petitioner : Mr.M.R.Sasi Kumar
for S.Thiyagarajan

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

ORDER

The Petitioner, who was arrested and remanded to judicial custody
on 18.07.2023 for the alleged offences punishable under Sections 147,
148, 307, 336, 506(ii) of IPC in Crime No.435 of 2020, on the file of

the Respondent Police, seeks bail.

2. The case of the prosecution is that the Petitioner along with some other persons, went to the *De facto Complainant's* house and knocked the door stating that Police has come. While the *De facto Complainant* and his son namely Sathiaraj opened the door, the Accused persons chopped the *De facto Complainant's* son by using machetes and caused injury to him. Hence, the case.

3. The learned Counsel for the Petitioner submitted that the Petitioner is innocent and arrayed as a Accused in this case. He is in Prison from 18.07.2023. Hence he prays to grant bail to the Petitioner.

4. The learned Additional Public Prosecutor fairly concedes that the Petitioner has been arrested in this case only based on PT Warrant. He has further submitted that the investigation has been completed pending for Public Prosecutor' Opinion.

5. Heard the learned Counsel for the Petitioner, the learned Additional Public Prosecutor and perused the materials available on record including the First Information Report.

6. Considering the above facts and circumstances, also the considering the period of incarceration suffered by the Petitioner and also

taking note of the fact the investigation has been completed, 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 for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties for a likesum amount each to the satisfaction of the learned XVII Metropolitan Magistrate, Saidapet. One of the surety shall be a blood relative. On further condition that :

a) the sureties shall affix their photographs and Left Thumb Impression on the surety bond. The learned XVII Metropolitan Magistrate, Saidapet, may obtain a copy of their Aadhar Card or voter identity card or driving licence or PAN Card or Bank Pass Book with photo affixed and attested by Bank Manager to ensure their identity;

b) the Petitioner shall appear before the learned XVII Metropolitan Magistrate, Saidapet on issuance of summons when the case is taken on file for PRC and co-operate for committal proceedings as well as the trial court proceedings before the Sessions Court.

c) the Petitioner shall co-operate with the Court proceedings till disposal of the case after trial;

d) the Petitioner shall not influence, threaten or coerce the witness during trial:

e) the Petitioner shall not abscond during trial;

f) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned XVII Metropolitan Magistrate, Saidapet or the trial Court as the case may be, as per the stage of the proceedings;

g) the learned Judicial Magistrate/Trial Court as the case may be shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail was granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala (2005) AIR SCW 5560* and

h) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

29.09.2023

Vv

To

1. The XVII Metropolitan Magistrate,
Saidapet.
2. The Inspector of Police,
R-2, Kodambakkam Police Station,
Chennai District.
3. The Central Prison,
Puzhal
4. The Public Prosecutor,
High Court of Madras, Chennai.

Crl.OP.No.22452 of 2023

SATHI KUMAR SUKUMARA KURUP.J.,

Vv

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