



CrI.OP.No.23169 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2023

CORAM

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

CrI.OP.No.23169 of 2023

Varshan.A

...Petitioner

Vs.

The Inspector of Police,
M-3, Puzhal Police Station,
Thiruvallur District.
(Crime No.596 of 2023)

...Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in Crime No.596 of 2023 on the file of the respondent police.

For Petitioner : Mr.Adith Narayan Vijayaragavn

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



CrI.OP.No.23169 of 2023

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ORDER

The petitioner, who was arrested and remanded to judicial custody on 11.09.2023 for the offence punishable under Sections 294(b), 341,307 @ 147,148,294(b),341,307 IPC in Crime No.596 of 2023, on the file of the respondent police, seeks bail.

2. The learned counsel for the petitioner submits that the petitioner is innocent and as a matter of fact there was a quarrel in a birthday party and he was also participating in the same. However, after that other accused 1 to 4 had assaulted the injured with a knife on the neck. The injured was discharged from the hospital. The learned counsel pointed out that using the confessional statement of the Accused No.1 to 4 the investigating agency had falsely implicated the petitioner herein. He also stated that the petitioner was not present in the place of occurrence. The only piece of evidence implicating the petitioner is the confessional statement of the Accused 1 to 4. Thus, he seeks bail to the petitioner.



Crl.OP.No.23169 of 2023

WEB COPY

3. The learned Government Advocate (Criminal side) stated that, all the accused and even the injured were friends celebrating birthday party with the influence of alcohol. The accused 1 to 4 had assaulted the injured with a knife on the neck. Thus, he prays for dismissal of this petition.

4. However taking into consideration that, it is only the confession statement to link the petitioner herein to the occurrence which had taken place, this Court is inclined to grant bail to the petitioner subject to the following conditions.

5. Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Madhavaram, and on further conditions that:

[a] the sureties shall affix their photographs and
Left Thumb Impression in the surety bond and the



CrI.OP.No.23169 of 2023

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 everyday at 10.30 a.m., and 5.30 p.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.

06.10.2023

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CrI.OP.No.23169 of 2023

To

1. The Judicial Magistrate, Madhavaram.
2. The Inspector of Police,
M-3 Puzhal Police Station,
Thiruvallur District.
3. Central Prison,
Puzhal.
4. The Public Prosecutor,
High Court of Madras.



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Crl.OP.No.23169 of 2023

C.V.KARTHIKEYAN, J.

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Crl.OP.No.23169 of 2023

06.10.2023