



WEB COPY



CrI.O.P.No. 29030 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.12.2023

CORAM

THE HON'BLE MR. JUSTICE P.DHANABAL

CrI.O.P.No.29030 of 2023

Sathiya @ Bambey Sathiya

... Petitioner

Vs.

The State rep by
The Inspector of Police,
C-5, Kothawalchavdi Police Station,
Chennai.

Crime No.82 of 2023

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner / Accused on bail in Crime No.82 of 2023
pending on the file of the respondent police.

For Petitioner : Mr.S.Varatharajan

For Respondent : Ms.G.V.Kasthuri
Additional Public Prosecutor.

ORDER

The petitioner who was arrested and remanded to judicial custody
on 20.10.2023, seeks bail in Crime No.82 of 2023, which was registered by
the respondent Police for the offences under Sections 341, 294(b), 323, 307,



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506(ii) of I.P.C.

2.The case of the prosecution is that the petitioner/A1 along with other accused picked up a wordy quarrel with the defacto-complainant and attacked him with knife and caused injured to him. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is the innocent person and he has been falsely implicated in this case. He further submitted that the petitioners have been in judicial custody from 20.10.2023. Hence, he seeks for granting bail to the petitioner.

4.The learned Additional Public Prosecutor for the respondent submitted that the petitioner along with other accused attacked the defacto-complainant by using knife and caused injury. She further submitted that the injured has been discharged from the hospital. She also submitted that the petitioner has 17 previous cases. Hence, she opposed for granting of bail to the petitioner.

5. At this juncture, the learned counsel for the petitioner submitted that the injured was discharged from the hospital and the co-accused namely A2 and A3 were already released on bail by this Court. Hence, he seeks for granting bail to the petitioner.

6.Heard both side and perused the materials available on record.



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7.Considering the representations made on either side and taking into consideration the period of incarceration undergone by the petitioner and also of the fact that the injured has been discharged from the hospital, I am inclined to grant bail to the petitioner, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to execute a separate 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 VIII Metropolitan Magistrate, George Town, Chennai and on further conditions that:

[b] the petitioner shall report before the respondent police, daily at 10.00 A.M. untill further orders.

[c] the petitioner shall not commit any offences of similar nature.

[d] the petitioner shall not abscond either during investigation or trial.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.



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vkr/apd

To

1. The VIII Metropolitan Magistrate,
George Town, Chennai.
2. The Inspector of Police,
C-5, Kothawalchavdi Police Station,
Chennai.
3. The Central Prison, Puzhal-II.
4. The Public Prosecutor,
High Court of Madras.



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P.DHANABAL, J.

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