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Crl.O.P.No.2458 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM

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

Crl.O.P.No.2458 of 2024

Barath @ Mooku Barath

... Petitioner

Vs.

State represented by
Inspector of Police,
G2 Periamet Police Station,
Chennai.
(Crime No.195 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.195 of 2023 on the file of
the respondent.

For Petitioner : Mr.C.Jagan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

The petitioner/A1 who was arrested and remanded to judicial
custody on 01.09.2023, for the offences registered under Sections 341,
294(b), 323, 307, 336, 506(ii) of IPC in Crime No.195 of 2023 on the file of



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the respondent Police, seeks bail.

2. The case of the prosecution is that owing to the previous enmity, the accused persons had attacked the defacto complainant on his right shoulder and his right side face.

3. The learned Government Advocate (crl.side) stated that the injured had been discharged from the hospital. There are 21 previous cases against the petitioner.

4.A counter affidavit had been filed wherein it had been stated that the charge sheet has been filed on 15.11.2023 before the II Metropolitan Magistrate, Egmore.

5.The learned counsel for the petitioner stated that A2 to A4 had been granted bail by the Principal Sessions Judge, Chennai.

6.Taking all the factors into consideration and the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

7.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** II Metropolitan Magistrate, Egmore, Chennai 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 on everyday 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.

12.03.2024

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C.V.KARTHIKEYAN, J.



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To

- 1.The II Metropolitan Magistrate, Egmore, Chennai.
2. The Inspector of Police,
G2 Periamet Police Station,
Chennai.
- 3.The Central Prison, Puzhal 2.
4. The Public Prosecutor, High Court of Madras.

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