

IN THE COURT OF SESSIONS AT CHENNAI

**Present: Tmt. S. Alli, M.L.,
Principal Sessions Judge**

Thursday, the 1st day of December, 2022

Crl.M.P.No. 23711/2022

in

P-4 Basin Bridge P.S. Crime No. 511/2022

1. Nanthakumar

2. Kamalakannan

.. Petitioners/Accused.

Vs.

State Rep. by
The Inspector of Police,
P.4, Basin Bridge Police Station,
Chennai.

..Respondent/Complainant.

This petition is coming on this day before me for hearing in the presence of M/s. M. Senthil kumar, M. Madhan kumar, Counsel for the petitioners and of CPP for respondent, and upon hearing them, this Court delivered the following:

ORDER

1. The 1st petitioner, who was arrested on 31.10.2022 and the 2nd petitioner who was arrested on 28.10.2022 for the offences punishable under Section 341, 294(b), 324, 427, 307 and 506(ii) IPC in Crime No. 511/2022 on the file of the respondent police, seeks bail.

2. Heard both sides.

3. Learned counsel for the petitioners submits that the petitioners are innocent of the offence. Both the petitioners and the defacto complainant are relatives. It is a case and counter case. Counter case was registered in Crime No.514/2022 as against the defacto complainant and others and they are absconding. The petitioners are no way connected with the alleged offence. Victim in this case was discharged from the hospital. The petitioners have no bad antecedents. They are in custody from 31.10.2022. Hence, prays for granting bail.

4. On the other hand, learned CPP submits that due to previous enmity, these petitioners along with other accused attacked the defacto complainant's husband using

knife and caused severe head injury to him. The victim was admitted to the hospital and was treated as in-patient for 23 days and got discharged. Investigation is pending. Both the petitioners are having 2 previous cases. He seriously objects the grant of bail.

5. The petitioners have been in custody for the past one month. Injured has already been discharged from the hospital. Major portion of investigation might have been completed by this time. Considering the above facts and the duration of custody, this court is inclined to grant bail to the petitioners subject to condition.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a likesum to the satisfaction of the learned X Metropolitan Magistrate, Chennai and on further condition that

(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 petitioners shall appear before the respondent police daily at 10.00 a.m. until further orders.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(d) the petitioners shall not abscond 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 above petitioners in accordance with law as if the conditions have been imposed and the above 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]**.

(f) If the petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Delivered by me today in the open Court.

S ALLI

Digitally signed by S
ALLI
Date: 2022.12.01
17:27:36 +0530

Principal Sessions Judge

Copy to :

1. The X Metropolitan Magistrate, Chennai.
2. The Superintendent, Central Jail, Puzhal.

vv

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