

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Seventh day of December Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL ORIGINAL PETITION No.30683 of 2018

HEMANTH

[PETITIONER / ACCUSED]

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE, [RESPONDENT]
H-3 TONDIARPET POLICE STATION,
CHENNAI.
CR.NO.1017 OF 2018

For Petitioner : M/S.D.GOPI KRISHNAN Advocate

For Respondent : MR. ARULMOZHI MARAN, Govt. Advocate (Cr1. Side

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

This Criminal Original Petition has been filed by the accused No.2 seeking bail for the alleged offenses punishable under Sections 294 (b), 324, 427, 307, 506(ii) of IPC and Section 25 (1-A) of Arms Act.

2. The learned counsel appearing for the petitioner has submitted that the petitioner has been falsely implicated in the above case and he further submitted that even as per the First Information Report, it was only the accused No.1 attacked one Suriya and this petitioner has driven the motorcycle only and he further submitted that the petitioner is in judicial custody for the past more than 1 month i.e., from 23.11.2018. He further submitted that injured has also discharged from the Hospital and hence, he prays for granting bail to the petitioner.

3. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent has submitted that the petitioner herein also actively participated in the crime and helped the accused no.1 for committing the crime. She further submitted that the injured is aged about 7 years and he sustained head injury and though he was discharged from the Hospital, he is still taking treatment as out patient. She also produced photographs of the

injured to show the nature of the injury. She further submitted that already investigation has been completed and charge sheet also has been filed and if the petitioner is released on bail, he may abscond and hence she strongly opposed this petition.

4. Considering the fact that no overtact is attributed to the petitioner herein and also the fact that as per the prosecution case, the accused No.1 alone caused injury to the victim and also the fact that the injured was discharged from the Hospital and the petitioner is in judicial custody from 23.11.2017 and charge sheet has also been filed and no bad antecedent is reported against the petitioner, this Court is inclined to grant bail by imposing conditions.

5. Accordingly, the petitioner is ordered to be released on bail on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate XV Metropolitan Magistrate, Georgetown, Chennai;

(i) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner shall not abscond either during investigation or trial.

(vi) 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]**.

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

-sd/-

27/12/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.XV, GEORGETOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE OFFICER INCHARGE,
BORSTAL SCHOOL,
PUHZAL, CHENNAI.

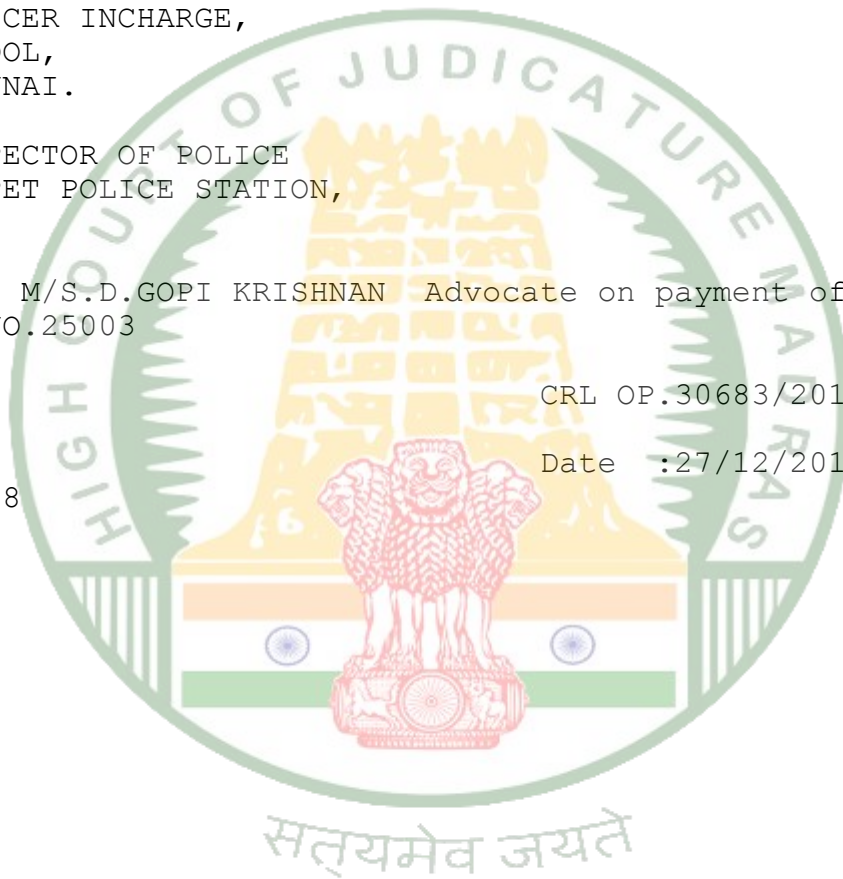
5 THE INSPECTOR OF POLICE
H-3 TONDIARPET POLICE STATION,
CHENNAI.

+1CC to M/S.D.GOPI KRISHNAN Advocate on payment of necessary
charges SR NO.25003

CRL OP.30683/2018

Date :27/12/2018

MK:28/12/2018



WEB COPY