

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.7455 of 2020

Sreenivasan

... Petitioner

Vs.

The Inspector of Police,
Komarapalayam Police Station,
Namakkal District.
Cr. No.117 of 2020.

.... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.117 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.Sesubalan Raj

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

ORDER

The petitioner/A3, who was arrested and remanded to judicial custody on 05.03.2020 for the offences punishable under Sections 147, 148, 323 and 307 of IPC in Crime No.117 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that, due to wordy quarrel in the temple festival the petitioner and other accused persons attacked the defacto complainant with hands and he sustained grievous injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is not involved in the above alleged offence and he is no way connected with the offence as alleged by the prosecution

and he did not commit any offence. He would also submit that earlier bail petitions in CMP.Nos. 408 of 2020 and 426 of 2020 and were dismissed by the Principal Sessions Court, Namakkal, dated 09.04.2020 and 21.04.2020 respectively, and co-accused/A5 has also been granted interim bail in CrI.O.P No.7362 of 2020 by this Court on 29.04.2020. Further he would submit that the petitioner is in judicial custody from 05.03.2020 and hence, he seeks bail for the petitioner.

4. The learned Additional Public Prosecutor (CrI. Side) would submit that at the time of temple festival the petitioner and two other persons attacked the defacto complainant. He would further submit that the victim has been discharged from the hospital and there are no previous cases pending against the petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and taking note of the fact that the injured has been discharged from the hospital and also the petitioner is in judicial custody from 05.03.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison;

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

07/05/2020

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

TRUE COPY

TO

1 THE PRINCIPAL SESSIONS COURT,
NAMAKKAL.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

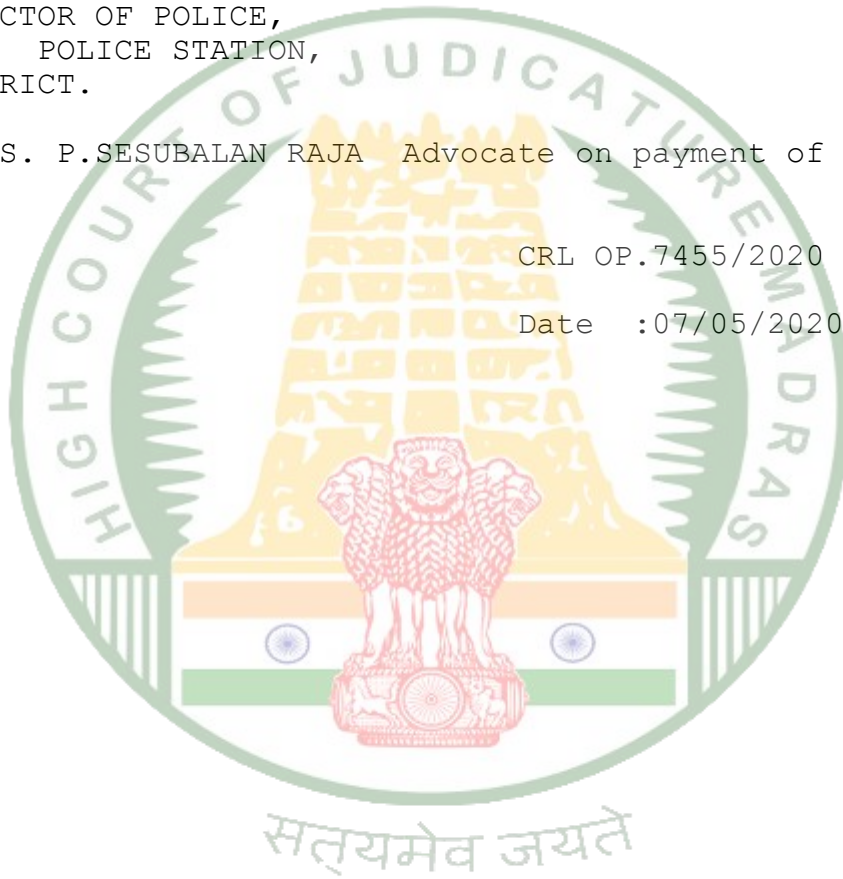
4 THE INSPECTOR OF POLICE,
KUMARAPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

CC to M/S. P.SESUBALAN RAJA Advocate on payment of necessary
charges

CRL OP.7455/2020

Date :07/05/2020

TA-17/07/2020



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