

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.05.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.7535 of 2020

Anbu @ Ezhilarasan

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Komarapalaiyam 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.J.Franklin

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

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 18.03.2020 for the offence punishable under Sections 147, 148, 323, 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 the petitioner along with other accused persons on 05.03.2020 while eating chicken in a shop, quarrel arose between the petitioner and his friends with the de-facto complainant. Thereby they attacked the de-facto complainant and he sustained injury. Hence, this 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 further submit there was previous enmity between them in respect of borrowal of money and in order to avoid repayment, this false complaint has been vested against the petitioner. He further submitted that the co-accused was granted bail by this Court in Crl.O.P.No.7315 of 2020 on 24.04.2020 and the petitioner was arrested and remanded judicial custody on 18.03.2020 and hence, he seeks bail for the petitioner.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that due to the attack by the petitioner and his friends, the de-facto complainant sustained injury and now he got discharged from the hospital. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the above facts and circumstances and the injured was discharged from the hospital and the co-accused was granted bail by this Court in Crl.O.P.No.7315 of 2020 on 24.04.2020, 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) thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate on or before 08.06.2020, failing which the bail granted by this Court shall stand dismissed automatically.

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(d) the petitioner shall report before the respondent police daily at 10.30a.m. from 01.06.2020 for a period of two weeks and thereafter as and when required for interrogation.

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

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

(g) 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].

(h) 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/-
13/05/2020

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 JUDICIAL MAGISTRATE,
TIRUCHENGODU

2 THE PRINCIPAL SESSIONS JUDGE,
NAMAKKAL

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

CC to M/S. J.FRANKLIN Advocate on payment of necessary charges

CRL OP.7535/2020

Date :13/05/2020

RVR 03/08/2020

WEB COPY