

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.05.2020

CORAM:

THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

CRL.O.P.No.7594 of 2020

S.Raghu

... Petitioner

Vs.

The State:

Rep.by the Inspector of Police,
D-1, Chengalpattu Town Police Station,
Chengalpattu – 603 001.
Crime No.107/2020

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., praying, to enlarge the petitioner on bail in Crime No.107/2020 on the file of the Inspector of Police, D1, Chengalpattu Town Police Station.

For Petitioner : Mr.P.Dinesh Kumar

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 03.03.2020 for the offence punishable under Sections 294(b), 341, 397, 307, 506(ii) of IPC, in Crime No.107 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with one Ashok demeaned money from the de-facto complainant for buying Brandy at 01.30 p.m., on 13.02.2020, when he was going to buy a water packet in his tow wheeler. When the complainant refused to give money to the petitioner, the petitioner stabbed and tore his throat with a broken beer bottle. Further the said Ashok took a knife and stabbed complainant's throat and took a five hundred rupee note from the complainant's pocket and went away. Therefore, the complainant was taken to hospital and admitted as inpatient. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the it has not been clearly stated in the FIR whether the complainant has sustained injuries or not. Further, it is stated that the complainant was discharged from the alleged time to crime. If the petitioner has stabbed his throat, he could not have been discharged from the hospital to lodge police complaint on the same day. He would further submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would also submit that the petitioner has filed a Criminal Revision Petition before this Court in Crl.R.C.No.485 of 2020 dated 05.05.2020 was allowed and the extension of his detention under Section

122 (1) (a) Cr.P.C has been suspended. Therefore, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner is a drug addict, and on the occurrence day, he demanded cigarette from the de-facto complainant, which was refused. Therefore, he assaulted the de-facto complainant with knife, by which the de-facto complainant got injured. He would further submit that the petitioner had already involved in seven previous cases and as such he is a habitual offender. Hence, he vehemently opposed to grant bail to the petitioner.

5. Taking into consideration the facts of the case and the submissions made by the learned counsel and also taking note of the fact that the period of incarceration by the petitioner and also the he has come forward to deposit an amount of Rs.5,000/- (Rupees five thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai – 600 020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall deposit a sum of Rs.5,000/- (Rupees five thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai

– 600 020 Andhra Bank, Madhya Kailash Branch (SB A/C.No.149710011005477) and on such deposit, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison, in which the petitioner has been confined on his release;

(b) 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 01.07.2020, 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 as and when required for interrogation;

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

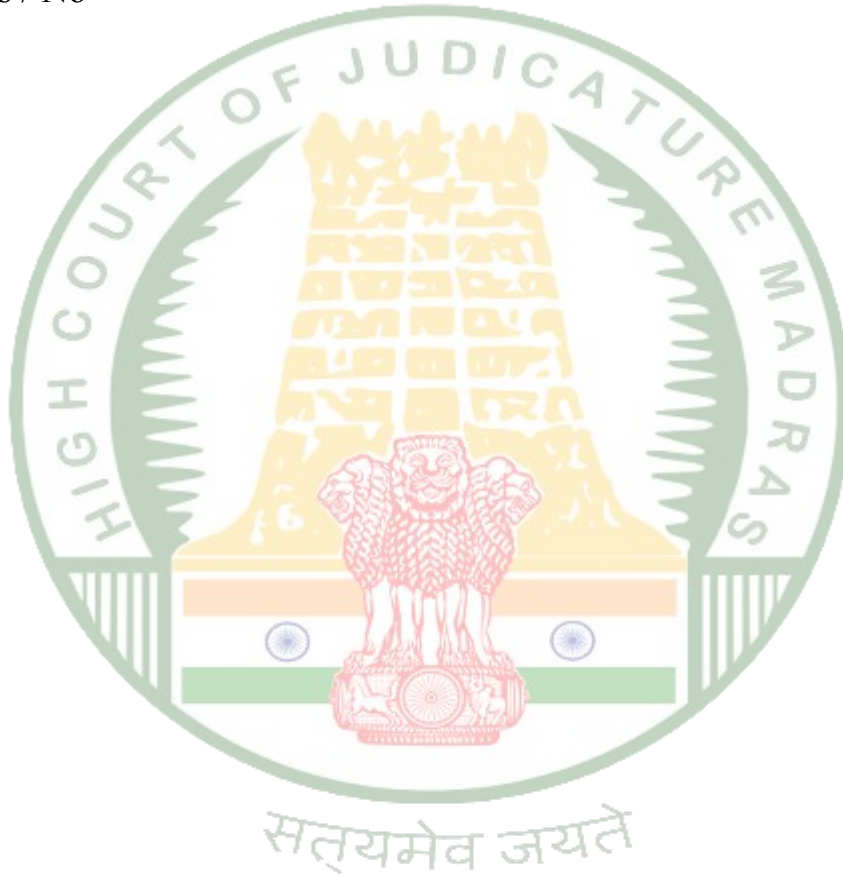
(h) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]***.

(i) 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.

22.05.2020

Internet : Yes / No
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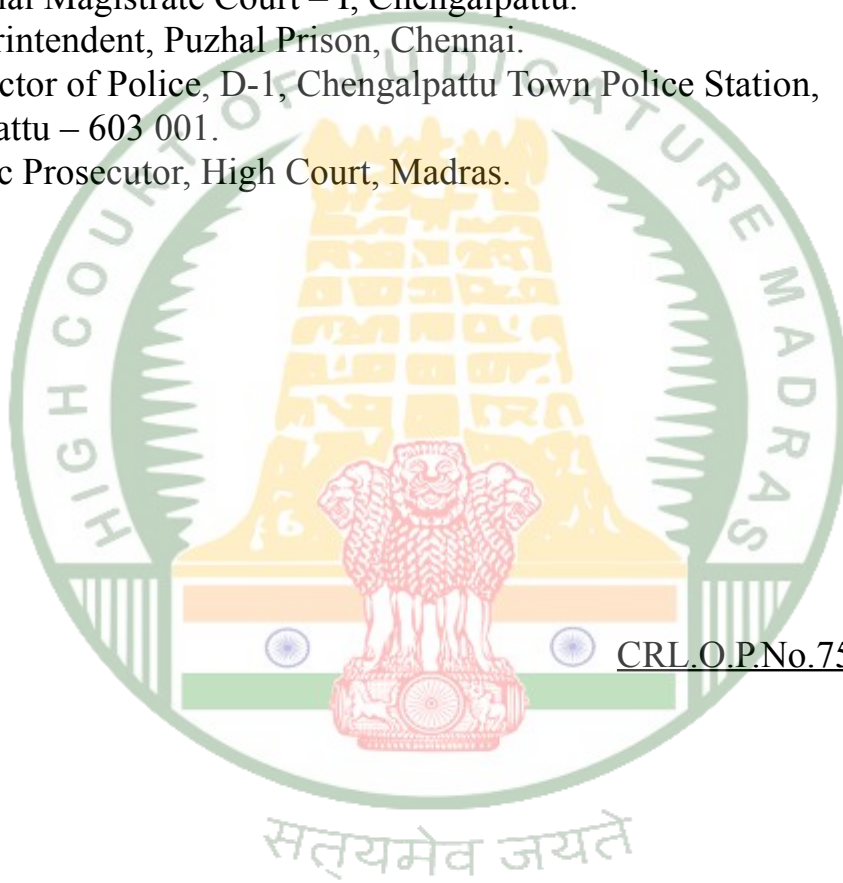
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M.NIRMAL KUMAR,J.

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To

1. The Principal District and Sessions Judge, Chengalpattu.
2. The Judicial Magistrate Court – I, Chengalpattu.
3. The Superintendent, Puzhal Prison, Chennai.
4. The Inspector of Police, D-1, Chengalpattu Town Police Station,
Chengalpattu – 603 001.
5. The Public Prosecutor, High Court, Madras.



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