

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.05.2020

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Cr1.O.P.No.7704 of 2020

Sathish

... Petitioner

Vs.

State rep by
Inspector of Police
Kannankurichi Police Station
Salem
(In Crime No. 472 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. 472 of 2020 on the file of the Inspector of Police, Kannankurichi Police Station, Salem

For Petitioner : M/s.V. Murugesan

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

O R D E R

The petitioner was arrested and remanded to judicial custody on 07.05.2020 for the offences punishable under Sections 147, 148, 341, 294(B), 342, 307 AND 506(II) of IPC in Crime No.472 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the respondent received information from the Salem Government Hospital and the statement of the defacto complainant was recorded. The defacto complainant is an auto driver by profession and on the date of occurrence, the defacto complainant along with his friends sitting near E.B. Office, Athukadu and were having drink of alcohol. During that time, while they were proceeding to their home, the petitioner along with the other accused had attacked the defacto complainant with knife, iron rod and stone and the defacto complainant sustained injury and hence, the case has been registered.

3. The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence and the defacto complainant was an anti-social element, who had lot of enemies. For the attack was caused on him, he has falsely implicated the petitioner. The learned counsel for the petitioner further submits that this is case and counter, a case has been filed by A1 against the defacto complainant along with his group and the same was registered in Crime No.473 of 2020 for the alleged offences under Section 147, 148, 341, 294(B), 342, 307 AND 506(II) of IPC.

4. The learned Additional Public Prosecutor submitted that the petitioner belongs to the group of Mohanraj (A1). On the day of occurrence, both groups attacked each other and sustained injury and hence, the counter case against each other has been registered. He further submitted that there is no previous case is pending against the petitioner. He opposed for grant of bail to the petitioner.

5. Considering the rival submissions made by both parties and both the groups were discharged from the hospital and there is no previous case against the petitioner, and also taking note of the fact that the petitioner is in judicial custody from 07.05.2020, 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 Chief Minister Public Relief Fund, Tamil Nadu, 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 Judicial 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.

-sd/-

20/05/2020

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 SECRETARY TO GOVT.
THE CHIEF MINISTER PUBLIC RELIEF FUND,
FORT ST.GEORGE, CHENNAI-600 009.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
KANNANKURICHI POLICE STATION,
SALEM.

CC to M/S. V.MURUGESAN Advocate on payment of necessary charges

CRL OP.7704/2020

Date :20/05/2020

RVR 24/08/2020

सत्यमेव जयते

WEB COPY