

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.7710 of 2020

AKASH

.. Petitioner

Vs.

State Rep By  
INSPECTOR OF POLICE,  
Thiruvallur Town Police Station,  
Thiruvallur District.  
(Crime No. 178/2020.)

..Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C praying to enlarge the petitioner on Bail in Crime No.178 of 2020 on the file of the respondent police.

For Petitioners : Mr. C.T.Saravanan

For Respondent : Mr.C.Iyyappa Raj  
Additional Public Prosecutor

O R D E R

The petitioners, who were arrested and remanded to judicial custody on 23.03.2020 for the alleged offences under Sections 147, 148, 341, 294(b), 323, 324, 506(ii), 307, 379 of IPC r/w Section 3 of TNPPDL Act in Crime No.178 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 went to the defacto complainant shop, after buying food from the shop, the petitioner along with other accused refused to pay the money. Thereafter, a wordy quarrel arose between the petitioner and the defacto complainant, due to which the petitioner along with other accused threatened him and also attacked the de-facto complainant and caused serious injuries on his leg. Hence, the complaint.

3. The learned Counsel for appearing for the petitioner would submit that the petitioner not went to the defacto complainant hotel along with the other accused. He further submitted that the petitioner having some previous cases, for which the petitioner has been falsely implicated in this case. He further submitted that the respondent police brutally attacked the petitioner and caused injuries, due to which he not able to do his day to day work without the help of the others. He further submitted that the petitioner has been in judicial custody from 23.03.2020 and hence, he prays for

4. The learned Additional Public Prosecutor submitted that on the date of petitioner along with eight accused persons went to the defacto complainant shop, after buying food from the shop, the petitioner along with other accused refused to pay the money. Thereafter, a wordy quarrel arose between the petitioner and the defacto complainant, due to which the petitioner along with other accused threatened him and also the petitioner attacked the de-facto complainant and caused serious injuries on his leg. He further submitted that there are totally six previous cases are pending against him for an offence under Section 379, 420 294(b) and 307 of IPC. He further submitted that the investigation is pending. He further submitted that the victim has been treated as outpatient. Hence, he vehemently opposed for grant of bail to the petitioners.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 23.03.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

a) 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), before the concerned Magistrate within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed.

[c] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the 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 10.30 a.m for a period of two weeks and thereafter, 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.

-sd/-

19/06/2020

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,  
NO.I, THIRUVALLUR

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,  
THIRUVALLUR TOWN POLICE STATION,  
THIRUVALLUR DISTRICT.

4 THE SUPERINTENDENT,  
CENTRAL PRISON, PUZHAL,  
CHENNAI.

CC to M/S. C.T.SARAVANAN Advocate on payment of necessary charges

WEB COPY

CRL OP.7710/2020

Date :19/06/2020

RVR 29/09/2020