

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.05.2020

CORAM

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

Crl.O.P.No.7868 of 2020

Isak

... Petitioner

Vs.

State Rep. by

The Inspector of Police,

Pallikaranai Police Station,

Kancheepuram District,

Cr. No.703 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.703 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Muruganantham

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 09.05.2020 for the offence punishable under Section 307 IPC in Crime No.703 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that one Durgadevi, the defacto complainant lodged a complaint against the petitioner and two others that there was a wordy quarrel between her son Vigneswaran and the petitioner and two others over a sports game. Due to that, the petitioner and two others attacked the defacto complainant's son on 07.05.2020 at 8.30 p.m., with knife resulting which her son sustained injuries, admitted in hospital and later discharged from the hospital. 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. The learned counsel would further submit that the petitioner has been falsely implicated in this case. Further he submits that the petitioner is in judicial custody from 09.05.2020 and hence, he seeks bail for the petitioner.

4.The learned Additional Public Prosecutor would submit that the petitioner and the victim are friends. While playing the game, there was a

wordy quarrel arouse. The petitioner and two others attacked the defacto complainant's son on 07.05.2020. Thereafter, the victim was admitted in hospital and discharged from the hospital. Hence, he vehemently opposed for grant of bail to the petitioner.

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 09.05.2020, 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), 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 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.

27.05.2020

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

Ssb

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To

1. The Principal Sessions Judge
Kancheepuram District,
Chengalpattu.

2. The Judicial Magistrate,
Alandur.

3. The Inspector of Police,
Pallikaranai Police Station,
Kancheepuram District.

4. The Public Prosecutor,
High Court, Madras.

5. The Superintendent,
Central Prison, Puzhal.



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M.NIRMAL KUMAR, J.

ssb



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