

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.8074 of 2020

P.Sathishkumar,
S/o.Paramasivam,
No.2/41, Ponneri,
Kottamangalam,
Tiruppur District.

.... Petitioner/ A3

Vs.

State rep. by its
Inspector of Police,
Udumalpet Police Station,
Tiruppur District.
Crime No.1101/2020.

....Respondent

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C. to enlarge the petitioner on bail concerned in Crime No.1101 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.N.Balakrishnan

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

ORDER

The petitioner/A3 who was arrested and remanded to judicial custody on 18.05.2020 for the offence under Section 294(b), 323, 324 & 307 of IPC in Crime No.1101 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution that on 17.05.2020, the petitioner and other accused persons abused and attacked the defacto complainant with wooden log and thereby the defacto complainant sustained grievous injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petition in CrI.M.P.No.575 of 2020 was dismissed on the file of the Principal District and Sessions Court, Trippur, dated 28.05.2020. He further submitted that the petitioner is in judicial custody from 18.05.2020.

Hence, he seeks for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that, due to wordy quarrel the petitioner and other accused persons attacked the defacto complainant with wooden log and he sustained grievous injuries. He further submitted that the victim has been discharged from the hospital. However, he opposed for the grant bail to the petitioner.

5. Considering the facts and submissions of the learned Counsel and considering the period of incarceration by the petitioner from 18.05.2020, and that the victim has been discharged, 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 on or before 02.07.2020, 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 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.

-sd/-
02/06/2020

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, UDUMALPET

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE OFFICER IN CHARGE
DISTRICT JAIL, TIRUPPUR

5 THE INSPECTOR OF POLICE
UDUMALPET POLICE STATION,
TIRUPPUR DISTRICT

CC to M/S.M.N. BALAKRISHNAN Advocate on payment of necessary charges

सत्यमेव जयते

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CRL OP. 8074/2020
Date : 02/06/2020

rd 04/06/2020