

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2020

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

CrI.O.P.No.8204 of 2020

Thombarai

... Petitioner/4th Accused

Vs.

State Rep. by
The Inspector of Police,
Arambakkam Police Station,
Thiruvallur District.
(Crime No.54 of 2020)

... Respondent/Complainant

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in pending investigation in Crime No.54 of 2020 on the file of the Inspector of Police, Arambakkam Police Station, Thiruvallur District.

For Petitioner : Mr.D.Meenakshi Sundaram

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

O R D E R

(The case has been heard through Video Conference)

The petitioner, who was arrested and remanded to judicial custody on 12.05.2020 for the offence punishable under Section 294(b), 307 of Indian Penal Code and 3(1) of TNPPDL Act in Crime No.54 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 23.03.2020 due to previous enmity, the petitioner along with other accused assaulted the defacto complainant with machete and caused injuries and also caused damage to the windshield of the car.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case and the co-accused were arrested by the respondent police and he has been enlarged on bail by the learned Principal District Sessions Judge, Thiruvallur. He would further submit that the petitioner has been suffering incarceration from 12.05.2020. Hence he prayed for grant of bail to the petitioner.

<https://hcservices.eCourts.gov.in/hcservices/> The learned Additional Public Prosecutor submitted that there

are two previous cases pending against the petitioner and the investigation is pending. Hence, he opposed for the grant of bail to the petitioner.

5. Considering the above facts and circumstances and taking note of the fact that the co-accused were arrested and released on bail by the learned Principal District and Sessions Judge, Thiruvallur and the period of incarceration undergone by the petitioner from 12.05.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, 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) Thereafter, 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 05.07.2020, 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

-sd/-
05/06/2020

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 PRINCIPAL DISTRICT AND
SESSIONS JUDGE, THIRUVALLUR

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, GUMMDIPOONDI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE OFFICER INCHARGE
SUB-JAIL, THIRUVALLUR

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
ARAMBAKKAM POLICE STATION,
THIRUVALLUR DISTRICT

CC to Mr.D.Meenakshi Sundaram Advocate on payment of necessary charges

CRL OP.8204/2020

Date :05/06/2020

rd 08/06/2020