

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.06.2020

CORAM:

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

CRL.O.P.No.8342 of 2020

S.Rogin

... Petitioner

Vs.

State rep. by its,
The Inspector of Police,
J-11, Kannagi Nagar Police Station,
Chennai.
Crime No.428/2020

... Respondent

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C.,
to enlarge the petitioner on bail in Crime No.428/2020 pending on the
file of the respondent police.

For Petitioner : Mr.S.Diwakar

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

O R D E R

The petitioner, who was arrested and remanded to judicial custody
on 21.05.2020 for the offences punishable under Sections 448, 341,
294(b), 307 and 506(ii) IPC, on the file of the respondent police,
seeks bail.

2. The case of the prosecution is that the petitioner herein
along with three others had voluntarily entered into the de-facto
complainant's house on 21.05.2020 at about 4.00 p.m.. Due to money
dispute between the accused and the de-facto complainant, they abused
the de-facto complainant with filthy language and attacked him with
knives and also threatened with dire consequences. The de-facto
complainant sustained grievous injuries and he was admitted in the
Government Hospital Royapettah, Chennai. Hence the complaint was
registered.

3. The learned Counsel appearing for the Petitioner would submit
that the petitioner is arrayed as A4 in this case. There is some
money dispute between the A1 and the defacto complainant's uncle. On
18.05.2020 the petitioner had accompanied A1 for return of money and
there was a fight between A1 and the de-facto complainant with
regard to the same. A1 abused the de-facto complainant with filthy
language and attacked him with knives. The allegations against the
petitioner is that he held the victim in facilitating the attack.
Since the petitioner is the friend of A1, he has been falsely
implicated. Hence, he seeks bail for the Petitioner.

4. The learned Additional Public Prosecutor would submit that there are four accused in this case, and the petitioner is arrayed as A4. Due to some money dispute between A1 and the de-facto complainant, A1 attacked the de-facto complainant's wife with the help of A2. A3 and A4 are friends of A1 and A2. A4 got hold of the victim in facilitating the attack and he has got no bad antecedent. Hence, he opposed for grant of bail to the Petitioner.

5. Considering the above facts and circumstances and also the period of incarceration undergone by the petitioner from the date of arrest, i.e., from 21.05.2020, 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) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lock down and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

(c) The sureties shall affix their photographs and Left Thumb Impressions in the surety bonds and the learned Magistrate may obtain copy of their Aadhar Cards or Bank Pass Books to ensure their identity;

(d) The petitioner is directed to appear before the trial court on all hearing dates either in person or through his counsel and in any case, he should not be the reason for stalling of the trial;

(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 I.P.C.,

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

18/06/2020

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.II, ALANDUR, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
J-11 KANNAGI NAGAR POLICE STATION,
CHENNAI.

4 THE OFFICER INCHARGE,
SUB JAIL, POONAMALLEE

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

CRL OP.8342/2020

सत्यमेव जयते Date :18/06/2020

RVR 29/09/2020

WEB COPY