

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.8351 of 2020

Mohamed Aslam

.... Petitioner

Vs.

State rep. by

The Inspector of Police,
Koothanallur Police Station,
Thiruvavarur.

(Crime No.774/2020)

....Respondent

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C., to grant bail to the petitioner in Crime No.774 of 2020 pending investigation on the file of the respondent police.

For Petitioner : M/s.M.Jaikumar

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on 23.05.2020 for the offence under Sections 341,294 (b), 323, 324 and 307 of IPC r/w. Section 3 (1) of Tamil Nadu Public Property Damage and Loss Act , in Crime No.774 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 23.05.2020 at about 9.30p.m., the petitioner along with two others had assaulted the defacto complainant in his right hand by using wooden log due to previous enmity and they have also damaged LED bulb in EB post. Hence, the complaint.

3. The learned counsel for the petitioner submitted that due to previous enmity, the petitioner has been falsely implicated in this case. The petitioner arrayed as A2. The learned counsel for the petitioner further submitted that the defacto complainant is not taking any treatment as inpatient. Therefore, he seeks bail for the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner and other accused have not only attacked the defacto complainant and also caused damages to the public property i.e., LED bulb in EB post. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration of the fact that the defacto complainant has already taken treatment and now taking treatment as outpatient and the period of incarceration by the petitioner is more than 18 days, 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) each, before the concerned Magistrate on or before 01.07.2020, 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 as and when required for interrogation.

[e] the petitioner shall appear before the trial Court during every hearing date without fail.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] the petitioner shall not abscond 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 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.

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11.06.2020

Internet: Yes/No

dh

M.NIRMAL KUMAR.,J.

Dh

To

1. The Inspector of Police,
Koothanallur Police Station,
Thiruvavarur.
2. The Superintendent,
District Jail, Nagapatinnam.
3. Judicial Magistrate- II,
Mannargudi.
4. The Public Prosecutor,
High Court, Madras.



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