

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2020

CORAM:

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

CRL.OP.No. 8407 of 2020

Arunkumar

... Petitioner/A1

Vs.

The Station House Officer,
Sirupakkam Police Station,
Cuddalore District,
Crime No. 185/2020

... Respondent

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail in Crime No.185 of 2020 on the file of the respondent police.

For Petitioner : Mr.N.Mahendra Babu

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

The Petitioner who was arrested and remanded to judicial custody on 16.05.2020 for the offences punishable under Sections 294(b), 323, 324, 353,506(ii) of IPC r/w section 3 of TN Public Property (Prevention of Damage and Loss), on the file of the respondent police, seeks bail.

2. The petitioner is A1 in Crime No.185 of 2020 for the offences punishable

under sections 294(b), 323, 324, 353, 506(ii) of IPC r/w section 3 of TN Public Property (Prevention of Damage and Loss) and the petitioner was arrested on 16.05.2020.

3. The case of the prosecution is that on the complaint of one Mr.Kolanjinathan, case has been registered against the petitioner on the ground that his vehicle was damaged and the petitioner used filthy words and attacked and threatened the public servant while he was on duty.

4. The learned counsel for the petitioner submitted that he was not even present at the scene of occurrence. The alleged occurrence is said to have been taken place at the TASMACH Shop while the policemen were trying to regulate the crowd and at that time, the petitioner is said to have made injuries on the cheek of the police constable.

5. The learned Additional Public Prosecutor has submitted that the defacto complainant is the police constable, while he was on duty of regulating the crowd at the TASMACH shop, the petitioner and his friend picked up quarrel and attacked on the public servant's face and made injuries on the cheek and also caused damages to the official vehicle. Then the defacto complainant had taken to the hospital.

6. Considering the submissions and taken into consideration the period of incarceration and now there is no mention about the loss and damage caused and the defacto complainant had taken treatment as outpatient, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adayar, Chennai – 600 020. Andhra Bank, Madhya Kailash Branch (SB A/c. No. 149710011005477 and on such deposit, the petitioner is ordered to be released on bail on executing 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/- each (Rupees Ten thousand only), before the concerned Magistrate after lifting of lockdown and commencement of 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 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 not commit any offences of similar nature;

(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) the petitioner shall report before the respondent Police as and when required for interrogation.

(h) on breach of any of the aforesaid conditions, the learned 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.

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

10.06.2020

Internet: Yes/No

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To

1. The Judicial Magistrate No.I,
Virudhachalam.

2. The Station House Officer,
Sirupakkam Police Station,
Cuddalore District.

3. The Superintendent,
Central Prison, Villupuram.

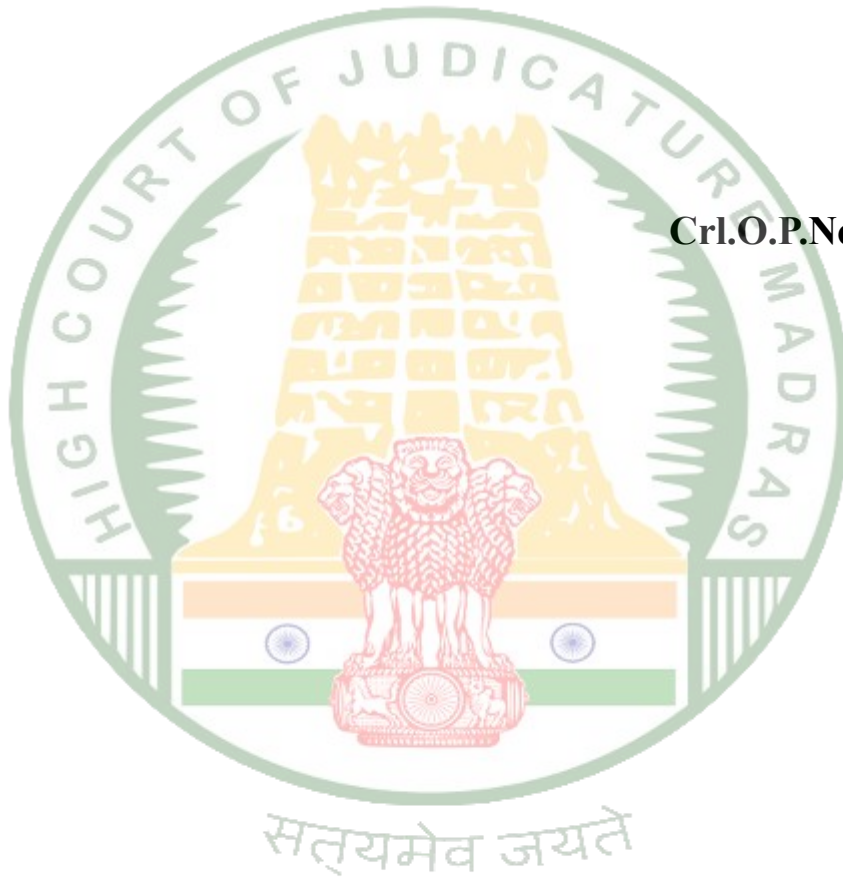
4. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR.,J.

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