

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

CRL.O.P.No.8516 of 2020

P.Karuppusamy, M/25 years,
S/o. Paramasivam,
No.2/41, Ponneri,
Kottamangalam,
Tiruppur District.

.. Petitioner/Accused-2

Vs.

The State represented by
The Inspector of Police,
Udumalpet Police Station,
Tiruppur District.
(Crime No.1101 of 2020)

.. Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 of Cr.P.C.,
praying to enlarge the petitioner/accused on bail and release him from the
custody in Crime No.1101 of 2020 pending on the file of the respondent
police.

For Petitioner : Mr.M.N.Balakrishnan
For Respondent : Mr.S.Karthikeyan,

Additional Public Prosecutor
ORDER

The petitioner, who was arrested and remanded to judicial custody on 31.05.2020 for the offences punishable under Sections 294(b), 323, 324 & 307 of Indian Penal Code, in Crime No.1101 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused, assaulted the defacto complainant using quarter bottle, as a result of which the defacto complainant sustained grievous injury. Hence, the complaint was registered.

3.The learned counsel for the petitioner would submit that the petitioner's sister Geetha was horrified and saddened by one Kalimuthu, who attempted to mis-behavior with his sister which was informed by sister Geetha over the phone. The petitioner along with other brothers of Geetha rushed to the rescue of his sister. He would further submit that the

said Kalimuthu was playing Carom board with the defacto complainant in a playground. The petitioner questioned the said Kalimuthu and requested him to stop his harassments against his sister. The said Kalimuthu and his friends had attacked the petitioner with Carom board and wooden log. Due to which, the petitioner and his brother were grievously injured. Thereafter, the petitioner's sister Geetha lodged a complaint before the respondent police against the defacto complainant and others in Crime No.1099 of 2020 for the offence punishable under Sections 294(b), 323, 324 & 506 (ii) IPC and Section 4 of TNPHW Act.

4.It was further submitted that the complaint given by the petitioner's sister in Crime No.1099 of 2020 against the defacto complainant in earlier. Thereafter, the defacto complainant has given a false complaint against the petitioner to get away at the counter blast. Further, the co-accused/A3 was granted bail in CrI.O.P.No.8074 of 2020 and A1 and A4 were granted anticipatory bail in CrI.O.P.No.8085 of 2020.

5.The learned Additional Public Prosecutor would submit that the petitioner along with other accused had assaulted the defacto complainant using quarter bottle, as a result of which the defacto complainant sustained grievous injury. He would further submit that the defacto complainant was admitted in KMCH Hospital, Coimbatore and taken treatment as in-patient from 18.05.2020 to 23.05.2020. Hence, he vehemently opposed for grant of bail to the petitioner.

6.Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 31.05.2020 and considering the facts and circumstances of this case and the co-accused being granted bail and anticipatory bail and the victim is discharged from the hospital, this Court is inclined to grant bail to the petitioner.

(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, 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 lockdown 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 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 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 IPC.

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

11.06.2020

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Index : Yes / No
Internet : Yes/ No

To

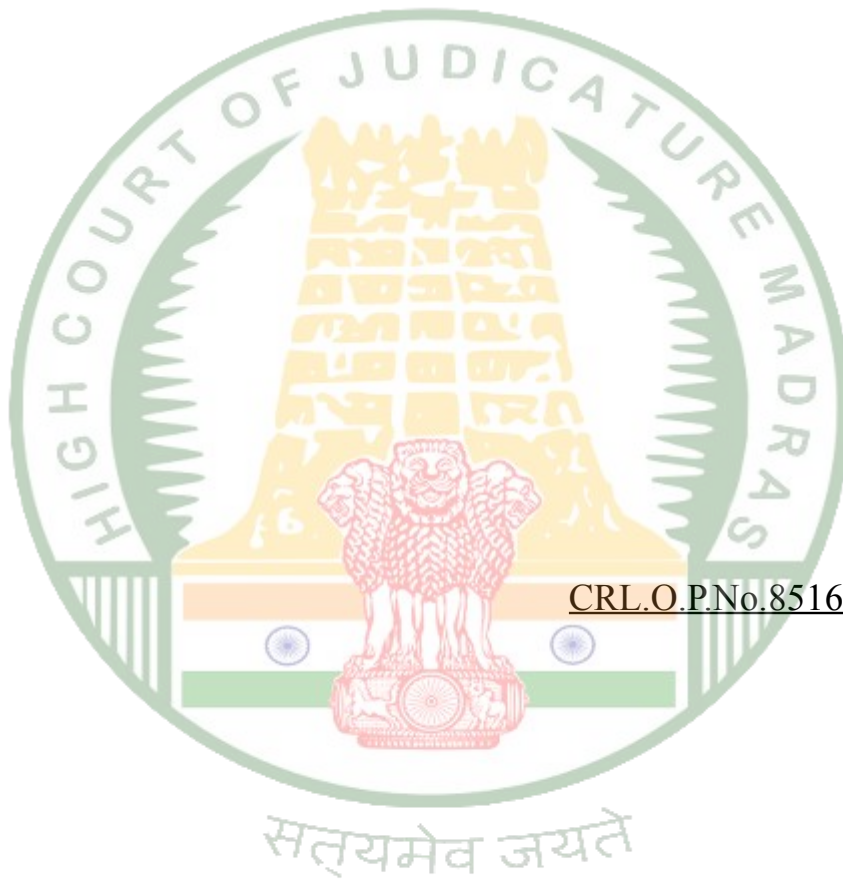
- 1.The Inspector of Police,
Udumalpet Police Station,
Tiruppur District.
- 2.The Judicial Magistrate – I,
Udumalpet
- 3.The Superintendent,
The District Jail, Tiruppur.
4. The Public Prosecutor, High Court, Madras.



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M.NIRMAL KUMAR, J.,

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