

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2020

CORAM:

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

CRL.O.P.NO.8749 of 2020

Sekar @ Naai Sekar

... Petitioner/A2

Vs.

The State of Tamilnadu rep by
The Inspector of Police,
Mettupalalyam Police Station,
Coimbatore.

... Respondent

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail in Crime No.7 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.S.Karthik Raja

For Respondent : Mr.C.Iyyappa Raj

Additional Public Prosecutor

सत्यमेव जयते

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ORDER

The Petitioner who was arrested and remanded to judicial custody on 01.05.2020 for the offences punishable under Section 294(b) and 307 of the Indian

Penal Code , in Crime No.7 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that one Babu, brother-in-law of the defacto complainant was attacked by the accused for the reason that the said Babu made propaganda that the petitioner is a rowdy and undesirable element for which the petitioner attacked the said Babu and caused injuries and thereafter he was admitted in the hospital.

3. The contention of the petitioner is that the petitioner is said to have been a friend of A1 had gone along with A1 and taken the victim/injured Babu along with them and had liquor together. Thereafter, on the next day also, the petitioner had accompanied A1 and they have taken the said Babu along with them. That time, the said Babu was attacked by A1 to A3. The case put up by the prosecution against the petitioner is highly artificial. A1 and the victim Babu are friends. The petitioner had only on one occasion been along with them and consumed liquor together. On that day, no such occurrence has taken place. Thereafter, on the next day, the alleged occurrence is said to have been taken place, on which day, the petitioner was not at all present in the scene of occurrence. The petitioner has been

falsely implicated in this case. Further the petitioner's wife is pregnant, at an advanced stage and nobody is there to take care of his wife during emergency and sought bail.

4. The contention of the learned Additional Public Prosecutor is that A1 and victim Babu were earlier friends and thereafter they fell apart. Later again A1 had be-friended the victim Babu, along with other accused took him, the previous day, had liquor with him to make it appear that the relationship is normal. On the next day, A1 to A3 had taken the Babu to isolated place and attacked him. Thereafter the victim was seriously injured and admitted in the hospital. This petitioner has also joined with other accused in attacking the victim. Further in this case, submitted that A1 and A3 were granted bail by Sessions Court. Investigation is completed and charge sheet is made ready. The petitioner at this stage, if granted bail, he would abscond and the further proceedings of the case would get stalled. Hence, he opposed to grant bail.

5. Considering the submissions and A1 and A3 have been already granted bail by the Sessions Court and further the victim had been discharged from the hospital and investigation is completed and charge sheet is made ready. In view of

the same, the petitioner has granted bail 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) 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 Judicial 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]; and

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

(j) The petitioner should appear before the respondent police on every Sunday at 10.30 am till the completion of the committal proceedings.

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

16.06.2020

Internet: Yes/No
mfa

To

1.The Judicial Magistrate,
Mettupalayam.

2.The Inspector of Police,
Mettupalalyam Police Station,
Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

Copy to

The Superintendent,
Central Prison,
Coimbatore.

M.NIRMAL KUMAR.,J.

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