

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2020

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.8752 of 2020

Karthi

... Petitioner

/Vs/

State rep by
The Inspector of Police,
B3-Kanchi Taluk Police Station,
Kanchipuram District.
(Crime No.1375 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under section 439 of Cr.P.C., to grant bail to the petitioner in Crime No.1375 of 2020 by the respondent police.

For Petitioner : Mr.G.M.Sankar

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

* * * * *

ORDER

The petitioner was arrested and remanded to judicial custody on 15.05.2020 for the offences punishable under Sections 294(b), 307 &

506(ii) of IPC in Crime No.1375 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.05.2020 at about 6.30 p.m., the defacto complainant who is the retired Inspector of Police and lodged a complaint stating that while he was walking along the road near a kumaragam apartment to vallalar nagar, the petitioner along with other accused using abusive and filthy language attempted to commit murder of the defacto complainant. Hence the complaint has to be lodged.

3. The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The complainant has been engineered through a retired Police Inspector, there is no motive or any reason for the petitioner to use abusive words and threatened the defacto complainant in a public place. The petitioner was having four previous cases against him of which the case in Crime No.361 of 2011 for the offences under Section 302 of IPC in S.C.No.78 of 2011 ended in acquittal on 10.03.2019. With regard to the other cases namely Crime No.449 of 2014, 880 of 2017 and 596 of 2018, in all the cases the final

report is yet to be filed. The petitioner for the statistical purpose has been implicated in this case. Further in this case no victim had suffered any injury.

The learned Additional Public Prosecutor submitted that the petitioner was involved in 4 previous cases of which one case is under Section 302 of IPC which ended in acquittal later. In other 3 cases, final report yet to be filed. The petitioner is a notorious rowdy element and he had threatened the retired Police Inspector with whom he has some issues. The retired Police Inspector was threatened in a public place. Hence, he opposed the bail application. Considering the same and the nature of offence and in this case no person has been injured and it is only an empty threat. In view of the same, the petitioner is granted bail.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner was in judicial custody from 15.05.2020, 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, in which the petitioner has been confined on their 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 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 daily for a period of two weeks.

(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]***;

(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.

17.06.2020

Index: Yes/No

Internet: Yes/No

Speaking order/Non-speaking order

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To

1. The Judicial Magistrate-II,
Kanchipuram.

WEB COPY

M.NIRMAL KUMAR,J.

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2. The Superintendent,
Central Prison, Vellore.

3. The Inspector of Police,
B3-Kanchi Taluk Police Station,
Kanchipuram District.

4. The Public Prosecutor,
High Court of Madras.



Crl.O.P.No.8752 of 2020

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