

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. 8753 of 2020

Selvam @ Tamil Selvam

... Petitioner

Vs.

State Rep by,
The Inspector of Police,
Arambakkam Police Station,
Thiruvallur District.

.... Respondent

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail in Crime No.54 of 2020 on the file of the respondent police.

For Petitioner : M/s.D.Meenakshi Sundaram

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

O R D E R

The Petitioner who was arrested and remanded to judicial custody on 14.05.2020 for the offences punishable under Section 294(b), 307, 120(b) of IPC and 3(1) of TNPPDL Act , in Crime No.54 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 23.03.2020, the petitioner along with other accused had attacked the defacto complainant and caused severe injury to the victim and also damaged his car. The victim had sustained serious injury and taken treatment in the hospital. The reason for the attack on the defacto complainant is that Al's brother was murdered by a gang earlier and the defacto complainant was doubted to be the person who helped the rivalry gang of the petitioner in getting bail in that case. Hence in retaliation , this incident has taken place.

3. The contention of the petitioner is that the petitioner's brother was murdered by the rival gang. The defacto complainant was passing the instrument in the murder of the petitioner's brother. He had watched the movement of the petitioner's brother and informed the rivalry gang, facilitating them in the attack and murder of the petitioner's brother, which was questioned by the petitioner with the defacto complainant, for which a false case has been laid. The victim has been discharged from the hospital.

4. The learned Additional Public Prosecutor has submitted that in this case, the petitioner is A1 who along with the other accused had attacked the defacto complainant and also damaged his car, for the reason that the defacto complainant has passed on the information about the petitioner's brother to the rivalry gang. There are two rivalry groups. One headed by the petitioner's brother. The petitioner's brother had enmity between the rivalry group. The petitioner has got 11 previous cases of theft and robbery during 2013 to 2019 and he is a notorious person, to teach a lesson to the defacto complainant, the said attack has been committed. Further, if the petitioner comes out of bail, there is likely would have a retaliation murder. In this case, A4 and A5 were granted bail. A2 and A3 were absconding. A7 is still in custody. Hence he opposed to grant bail.

5. Considering the submissions and facts and circumstances of the case and the petitioner has been discharged from the hospital and the period of incarceration of the petitioner, 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) 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 stay at Chengalpattu and report before the Chengalpattu Town Police Station, daily at 10.30 a.m. and he should not leave the Chengalpattu Town except on the date of hearing to attend the court proceedings.

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

-sd/-

16/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
GUMMIDIPOONDI.

2 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ARAMBAKKAM POLICE STATION,
THIRUVALLUR DISTRICT.

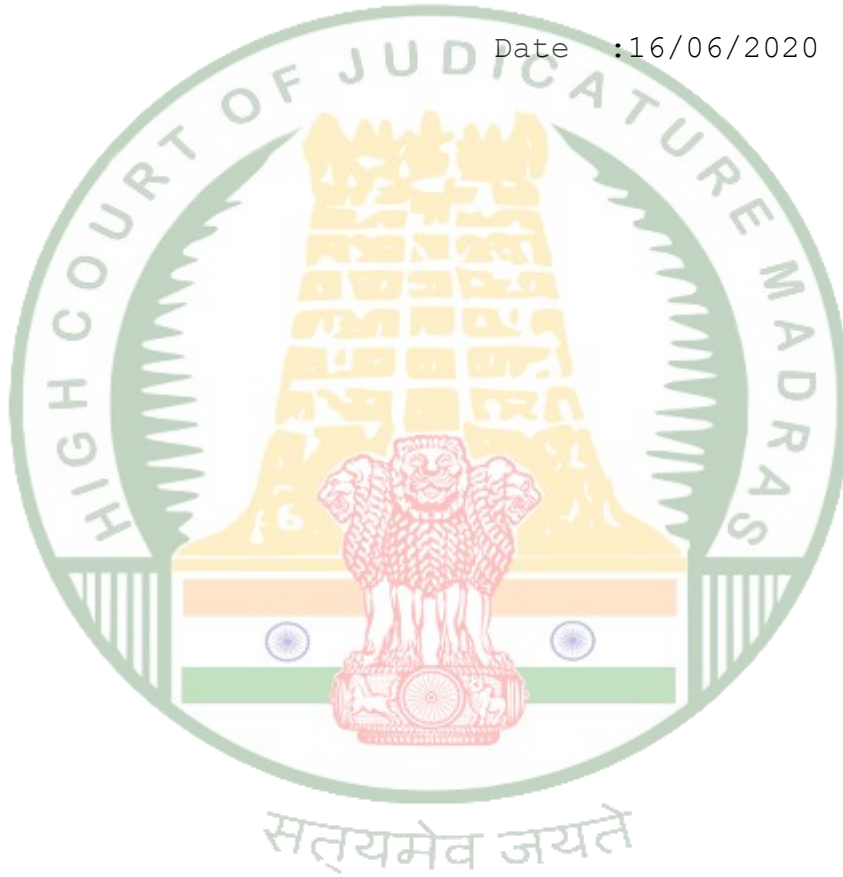
5 THE OFFICER INCHARGE
CHENGALPATTU TOWN POLICE STATION,
CHENGALPATTU.

CC to M/S.D.MEENAKSHI SUNDARAM Advocate on payment of necessary charges

CRL OP.8753/2020

Date :16/06/2020

cs 09/11/2020



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