

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.07.2020

CORAM :

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.8926 of 2020

Kannan

... Petitioner

/versus/

The State Rep. By its
The Inspector of Police,
Mayiladuthurai Police Station,
Nagappattinam District,
Crime No.817 of 2020.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, pleaded to grant bail to the petitioner / Accused pending investigation in Crime No.817 of 2020 on the file of Respondent Police.

For petitioner : Ms.Greetha Senthilkumar

For Respondent : Mr.K.Prabhakar,
Addl Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 28.05.2020 for the alleged offences punishable under Sections 294(b), 341, 324, 307 & 506(ii) of IPC in Crime No.817 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner had demanded money from the defacto complainant for buying liquor on the previous day, to which the defacto complainant had refused. Enraged by that, on the next day, while the defacto complainant was going along with his son, the petitioner had attempted to murder him with aruval. Owing to which, the petitioner sustained injuries on his right forearm.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and that he has been falsely implicated in this case. He would submit that there are other previous cases pending against him and only to keep him under custody, a false case has been foisted against him. He would further submit that ever as per the complaint, the injury sustained is minor and the injured has been discharged. He would also add that the petitioner is willing to abide by any stringent condition imposed by the Court and is also ready to stay somewhere else. Hence, he prays to grant bail to the petitioner.

4.The learned Additional Public Prosecutor submitted that

the petitioner had demanded money for buying liquor on the previous day, to which the defacto complainant had refused. Enraged by that, on the next day, while, the defacto complainant was going along with his son, the petitioner had attempted to murder him with aruval. Owing to which, the petitioner had sustained injuries on his right forearm. He also added that the injured has been discharged.

5.Considering the facts and circumstances, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on executing 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 and thereafter on his release;

(b) the petitioner shall furnish two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate No.1, Mayiladuthurai, within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, 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 stay at Tiruchirappalli and report before the Palakarai Police Station, Tiruchirappalli, daily at 10.30 a.m., for a period of two weeks and thereafter, on every Monday at 10.30 a.m., until further orders. It is made clear that the petitioner shall not enter the jurisdiction limits of the respondent police station until further orders.

(e) the petitioner to furnish the correct details of address along with mobile number to the Investigating Officer and to the concerned Court.

(f) the petitioner shall not commit any offences of similar nature;

(g) the petitioner shall not abscond either during investigation or trial;

(h) the petitioner shall not tamper with evidence or witness either during investigation or trial;

<https://hcservices.ecourts.gov.in/hcservices/> each 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];

(j) 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.

-sd/-
02/07/2020

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 JUDICIAL MAGISTRATE NO.I,
MAYILADUTHURAI

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPPATTINAM DISTRICT[FOR INFORMATION]

3 THE DISTRICT AND SESSIONS
JUDGE, NAGAPPATTINAM

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MAYILADUTHURAI POLICE STATION,
NAGAPPATTINAM DISTRICT

6 THE OFFICER INCHARGE,
PALAKARAI POLICE STATION, TIRUCHIRAPALLI.

7 THE JAILER, SUB JAIL, MAYILADUTHURAI

CC to M/S.GREETHA SENTHILKUMAR Advocate on payment of
necessary charges

CRL OP.8926/2020
Date :02/07/2020