

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.O.P.No.8935 of 2020

Kali dass

.... Petitioner

Vs.

State rep. by

The Inspector of Police,
Ennore Police Station,
Ennore, Chennai - 600 057.

(Crime No.1042 of 2020)

..... Respondent

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C., to grant bail to the petitioner in Crime No.1042 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.D. Thiru Moorthy

For Respondent : Mr.C.Iyyaparaj

Additional Public Prosecutor

O R D E R

The petitioner who was arrested and remanded to judicial custody on 27.05.2020 for the offence under Sections 341, 294(b), 307 and 506(ii) in Crime No.1042 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 27.05.2020 the defacto complainant had lodged a complaint stating that the petitioner (A2) along with other accused (A1) had assaulted the defacto complainant and caused injuries to him. Thereafter, the defacto complainant was admitted in the hospital and took treatment. Hence, the case came to be registered.

3.The learned counsel of the petitioner submitted that the petitioner is friend of Devendiran(A1) who was running a eatery in the name and style of Burma Foods at Ennore. On 27.05.2020 when the petitioner(A2) along with his friend(A2) was returning home after closing the shop and they were also carrying some cash

with them. On the way the defacto complainant had attempted to take away the money, the petitioner along his friend had resisted the same and there was a fight between them. Both the defacto complainant as well the petitioner sustained injuries. Thereafter, sensing trouble the defacto complainant ran away from the scene of occurrence. The defacto complainant is a trouble shooter and he has got a history in indulging in such offences. Fearing that a case may be registered against him, as a preemptive measure he has lodged a case against the petitioner and others.

4. The learned Additional Public Prosecutor submitted that there were totally 3 accused in this case. The petitioner and his friend Devendiran who is A1 was running a eatery in the name and style of and there was some dispute between the petitioner and the defacto complainant. The petitioner along with other accused (A1) has joined together and attacked the defacto complainant with his hand and knife. In this case A1 and A2 was armed with knife and the defacto complainant sustained injuries and admitted in the hospital and thereafter now he has been discharged and A1 in this case has been arrested and granted bail.

5. Considering the facts and circumstances of the case and A1 has been arrested and granted bail, 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) thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate, failing which the bail granted by this Court shall stand dismissed.

[c] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the 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 appear before the trial Court during every hearing date without fail.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] the petitioner shall not abscond 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 petitioners 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 underSection229AIPC.

-sd/-
18/06/2020

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 JUDICIAL MAGISTRATE,
THIRUVOTTIYUR.

2 THE OFFICER INCHARGE,
PUZHAL JAIL, CHENNAI.

WEB COPY

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

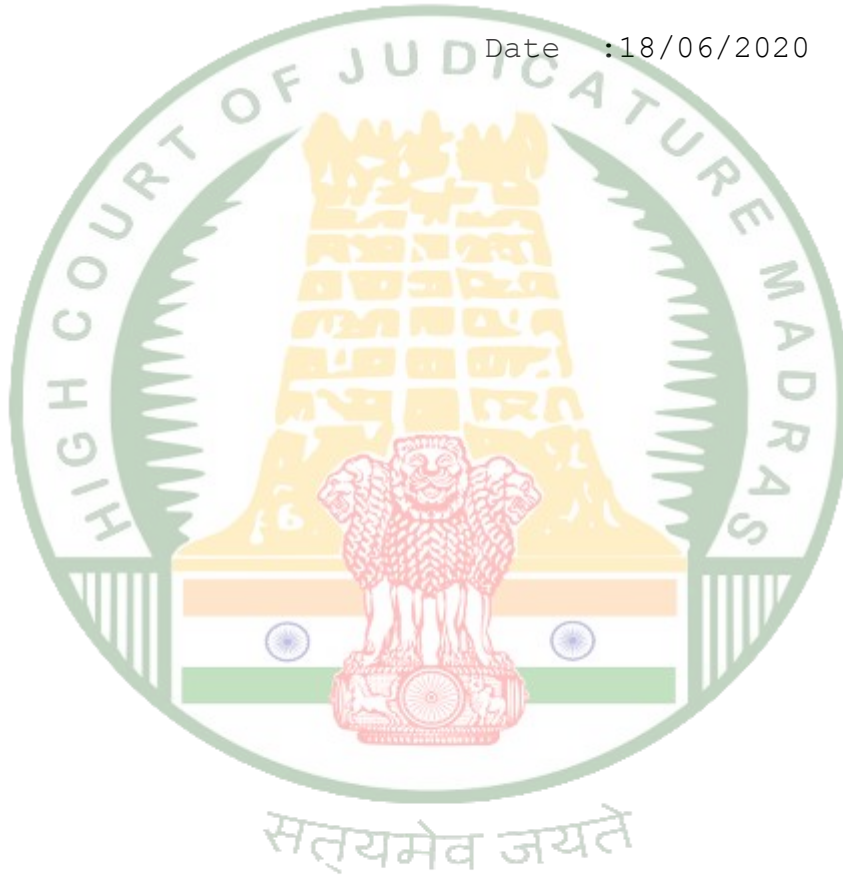
4 THE INSPECTOR OF POLICE,
ENNORE POLICE STATION,
ENNORE, CHENNAI-600 057.

CC to M/S.S.P.ARTHI Advocate on payment of necessary
charges

CRL OP.8935/2020

Date :18/06/2020

MK:01/10/2020



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