

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.06.2020

CORAM :

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

Cr1.O.P.No.8998 of 2020

1.Indirakumar
2.Mohan

.. Petitioners

/versus/

State Rep by
The Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram District,
Crime No 1266 of 2020.

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioners on bail in Crime No.1266 of 2020 pending investigation on the file of the respondent police.

For Petitioners: Mr.G.Bala Manikandan

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

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 09.06.2020 for the alleged offence punishable under Sections 294(b), 323, 307 & 506(ii) IPC in Crime No.1266 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the petitioners along with other accused asked the victim to come to a place, on the assurance of giving fish for him. When the victim had gone to the place, the accused compelled him to smoke Ganja, when it was refused by the victim the accused brutally attacked him with knife and also assaulted him with hands and legs, due to which the victim had suffered injuries.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that even as per the First Information Report the allegations are against the main accused A1,

who is stated to have caused grievous injury to the victim by using knife. As far as these petitioners are concerned, the allegations against them is that they have attacked the victim with hands and legs. He would also submit that there are no previous cases as against the petitioners. He would further submit that taking into consideration the age of the petitioners, this Court may grant to the petitioners.

4.The learned Additional Public Prosecutor for the respondent would submit that the petitioners joined with the other accused and asked the victim to come to a place and compelled him to smoke Ganja and when it was refused by the victim, A1 attacked him brutally with knife and the other accused assaulted him with hands and legs. He would further submit that the injured has been discharged from the hospital, however, he has suffered with 40 sutures. Hence, he opposed to grant bail to the petitioners.

5. At this juncture, the learned counsel for the petitioners would submit that since the petitioners and the victim are friends, there is a likelihood of settling the matter at a later point of time. He would further submit that without prejudice to his defence, the petitioners also prepared to pay Rs.10,000/- (Rupees Ten Thousand only) each to the victim towards medical expenses.

6. Taking into consideration the facts and circumstances of the case and also taking into consideration the age of the petitioners and that the grievous injury has been caused by A1, this Court is inclined to grant bail to the petitioners subject to the following conditions :

(a) Accordingly, each of the petitioner shall pay a sum of Rs.10,000/- (Rupees ten thousand only) to the victim through the Inspector of Police, Sriperumbudur and on such payment and production of proof, the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only), each before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b)the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate, Sriperumbudur, 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 petitioners shall report before the respondent police every day at 10.30 a.m. for a period of one week and thereafter, every Monday at 10.30 a.m. until further orders.

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

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

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

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

(i) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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];

(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/-
30/06/2020

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,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SRIPERUMBUDUR POLICE STATION,
KANCHEEPURAM DISTRICT.

5 THE OFFICER INCHARGE,
SUB-JAIL, MATHURANTHAGAM.

CC to M/S.G.BALAMANIKANDAN Advocate on payment of necessary
charges

CRL OP.8998/2020

Date :30/06/2020

TA-13/07/2020



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