



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.06.2020

CORAM

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

CrI.O.P.No.9002 of 2020

Karthi
S/o.Chellappan
No.2/25, Anna Nagar
Kallapuram
Tiruppur Distict

... Petitioner

Vs.

State rep. by
Inspector of Police
Amaravathi Police Station
Tiruppur District
Cr.No.320 of 2020

... Respondent

Criminal Original Petition filed under Section 439 of Cr.P.C. seeking to enlarge the petitioner on bail concerned in Crime No.320 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.N.Arun Kumar

For Respondent : Mr.K.Prabakar
Additional 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 29.05.2020 for the offences punishable under Sections 294(b), 324 and 506(II) IPC in Crime No.320 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 27.05.2020 at 20.00 hrs, when the complainant was talking in front of his house, the petitioner abused him in filthy language, attacked him with iron rod and intimidated him with dire consequences.

3.The learned counsel for the petitioner would submit that the de facto complainant is his paternal uncle and in view of the



property dispute between them, the petitioner assaulted the de facto complainant and therefore, the de facto complainant sustained injuries. He would further submit that the petitioner and the de facto complainant are close relatives and there is also likelihood of compromise between them. He would also submit that without prejudice to his contention, the petitioner had also given a sum of Rs.10,000/- towards the medical expenses of the de facto complainant. He would further submit that the petitioner is under incarceration from 29.05.2020 and prays for grant of bail.

4.The learned Additional Public Prosecutor submitted that the petitioner attacked the de facto complainant with an iron rod and thereby caused injuries to him. He would further submit that the victim has been discharged from the hospital on 23.06.2020.

5.Taking into consideration the facts of the case and the period of incarceration undergone by the petitioner, 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 execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Judicial Magistrate No.I, Udumalpet, within 15 days from the date of lifting of 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 Aadhaar card or Bank pass Book to ensure their identity;

(d)the petitioner shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation;

(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;

(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/-
25/06/2020

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,
NO.I, UDUMALAPET.

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
AMARAVATHI POLICE STATION,
TIRUPPUR DISTRICT.

CC to M/S.M.N.BALAKRISHNAN Advocate on payment of necessary charges

CRL OP.9002/2020

Date :25/06/2020

rd 27/07/2020