

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 01.07.2020
CORAM

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

CrI. O.P. No. 9052 of 2020

Guna

... Petitioner

-vs-

State represented by the Inspector of Police,
15 Velampalaiyam Police Station,
Tiruppur District. ... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 364 of 2020 on the file of the respondent police.

For Petitioner : Mr. J. Franklin

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 30.05.2020 in Crime No. 364 of 2020 which was registered by the Respondent for the offence punishable under Sections 294(b), 323 and 307 of the Indian Penal Code, 1860, seeks bail.

2.The case of the prosecution as per the de-facto complainant is that due to previous enmity, the Petitioner had assaulted the uncle of the de-facto complainant with knife resulting in him sustaining of injury behind the neck. The Petitioner was arrested and remanded to judicial custody on 30.05.2020.

3.The learned counsel for the Petitioner would submit that the Petitioner is innocent and he has been falsely implicated in this case due to previous enmity. He would further submit that the alleged injury is simple in nature and the victim has been discharged from hospital. He would further submit that other than this case, the Petitioner was not involved in any other case. He would further submit that the Petitioner was arrested and remanded to judicial custody on 30.05.2020. Hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor would submit that due to previous enmity, the Petitioner had assaulted the uncle of the de-facto complainant with knife resulting in sustaining of injury behind the neck. He would further submit that the victim has been discharged from the hospital. However he opposed for granting bail.

5. Taking into consideration of the facts and circumstance of this case and the submissions made by the learned Counsel, 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 learned Judicial Magistrate No. III, Tiruppur 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 report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter, as and when required for investigation;

(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];

(i) 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/-

01/07/2020

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.III,TIRUPPUR

2 THE ADDL. PUBLIC PROSECUTOR,
MADRAS HIGH COURT, CHENNAI-104.

3 THE SUPERINTENDENT,
CENTRAL PRISON,COIMBATORE

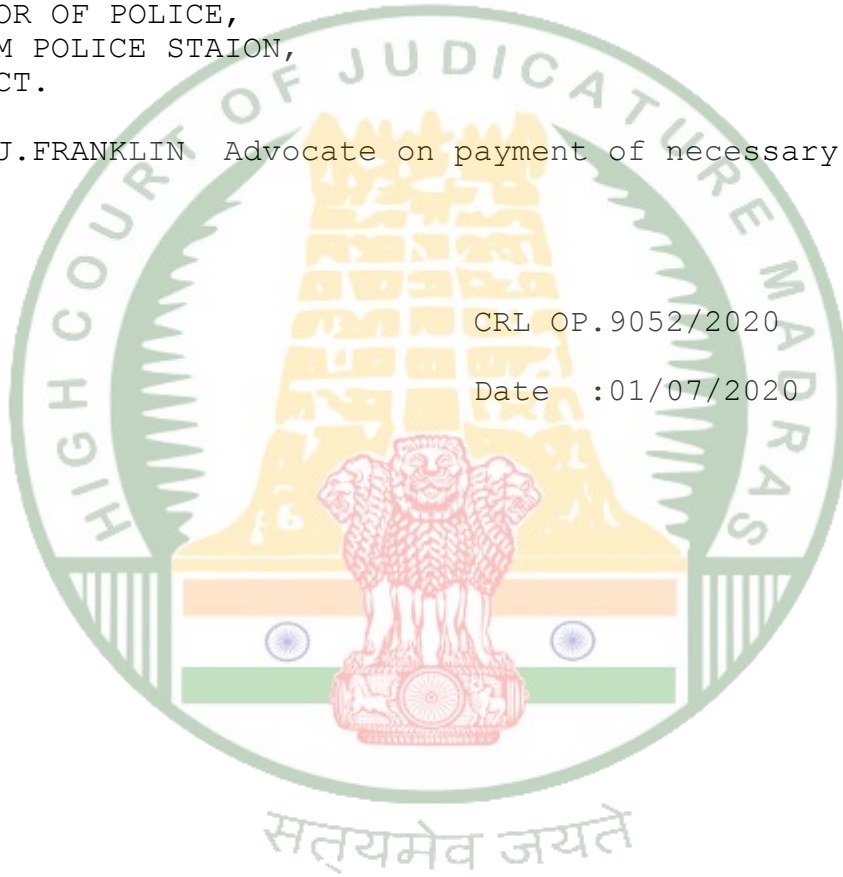
4 THE INSPECTOR OF POLICE,
15 VELAMPALAIYAM POLICE STAION,
TIRUPPUR DISTRICT.

CC to M/S J.FRANKLIN Advocate on payment of necessary charges

CRL OP.9052/2020

Date :01/07/2020

RD 17/08/2020



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