

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.06.2020

CORAM :

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

Crl.O.P.No.9132 of 2020

[*]S.Prasad @ S. Prashanth

.. Petitioner

/versus/

State rep. by
The Inspector of Police,
Kannankurichi Police Station,
Salem City,
Crime No.472 of 2020.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to grant bail to the petitioner in Crime No.472 of 2020, pending on the file of the Inspector of Police, Kannankurichi Police Station, Salem City.

For Petitioner : Ms.Rajeswari Karthikeyan

For Respondent : Mr.K.Prabhakar,
Addl. Public Prosecutor
[IN CRL.OP.NO.9132 OF 2020]

For Respondent : MR.T.SHUNMUGARAJESWARAN
Govt. Advocate (Crl. Side)
[IN CRL.MP.NO.4345 OF 2020
IN CRL.OP.NO.9132 OF 2020]

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 11.05.2020 for the alleged offence punishable under Sections 147, 148, 341, 294(b), 342, 307 & 506(ii) IPC in Crime No.472 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 07.5.2020 at about 2.00 p.m. while the *defacto complainant* and his younger brother Saravanan and his friends were having liquor near Athukadu E.B.Office, the petitioner and his friends had gone to the place and indulged in quarrel and that assaulted the *defacto complainant* and caused injuries to the *defacto complainant* and his friends. The petitioner was arrested on 11.05.2020.

3. The learned counsel for the petitioner would submit that the petitioner and his friends were assaulted by the *defacto*

complainant and his friends, in respect of which a complaint was given to the respondent police and a case in Crime No.473 of 2020 was registered against the *defacto complainant* and his friends for the offence under Sections 147, 148, 341, 294(b), 342, 307 and 506(ii) of IPC. He would further submit that injured has been discharged from the hospital.

4.The learned Additional Public Prosecutor for the respondent would submit that the petitioner along with five other accused assaulted the *defacto complainant* and his associates. He would further submit that A3 in this case detained under Goondas Act. He would further submit that the petitioner is having one previous case.

5.Taking into consideration the facts of the 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 on his release;

(b) Thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Judicial Magistrate -IV, Salem, 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 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/-
22/06/2020

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.

[*]Amended as per order of this Court dated 06/07/2020 made in CRL.MP.NO.4345 OF 2020 IN CRL.OP.NO.9132 OF 2020

TO

1 THE JUDICIAL MAGISTRATE-IV,
SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT. [FOR INFORMATION

3 THE SUPERINTENDENT,
CENTRAL PRISON,SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KANNAKURICHI POLICE STATION,
SALEM CITY.

CC to M/S. RAJESWARI KARTHIKEYAN Advocate on payment of necessary charges

CRL OP.9132/2020

Date :22/06/2020

MK:17/08/2020

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<https://hcservices.ecourts.gov.in/hcservices/>