

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.06.2020

CORAM :

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

Crl.O.P.No.9285 of 2020

Santhosh

.. Petitioner

/versus/

The State Rep. By
Inspector of Police
koothanallur Police Station
Thiruvarur District
Crime No.774 /2020

.. Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, pleased to enlarge the petitioner on bail in Crime No.774 of 2020 on the file of Inspector of Police, Koothanallur Police Station, Thiruvarur District.

For petitioner : Mr.Swami Subramanian

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 23.05.2020 for the alleged offences punishable under Sections 341, 294(b), 324 and 307 IPC r/w 3(1) of TNPPDL Act, 1992 in Crime No.774 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity, the petitioner and other accused assaulted the defacto complainant and his associates.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the co-accused / A3 has already been granted bail by this Court.

4.The learned Additional Public Prosecutor submitted that due to previous enmity, the petitioner and other accused assaulted the defacto complainant and his associates.

5.Taking into consideration of the facts and circumstances, 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.II, Mannargudi, Thiruvarur District 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 daily at 10.30 a.m. for a period of one week, thereafter, as and when required for interrogation.

(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 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];

(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.

24.06.2020

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To

1. The Judicial Magistrate No.II
Mannargudi, Thiruvavur District
2. Inspector of Police
Koothanallur Police Station
Thiruvavur District
3. The Public Prosecutor,
High Court, Madras.
4. The Superintendent of Prison
District Prison

Nagapattinam

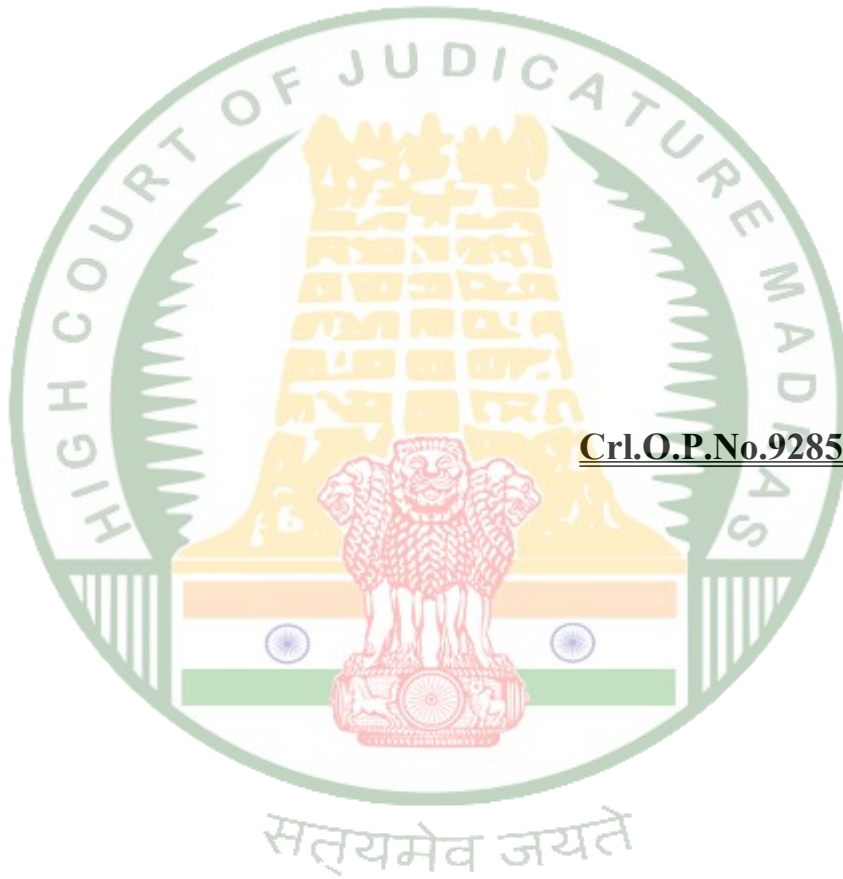


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A.D.JAGADISH CHANDIRA,J.

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