

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl. O.P. No. 9328 of 2020

Annamalai

... Petitioner

-vs-

The State of Tamil Nadu,
Rep. by the Inspector of Police,
M-5, Ennore Police Station,
Chennai.

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation of the case in Crime No. 653 of 2020 on the file of the Respondent Police, (M-5, Ennore Police Station, Chennai).

For Petitioner : Mr. M. Illiyas

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 06.05.2020 in Crime No. 653 of 2020 which was registered by the Respondent for the offence punishable under Sections 341, 294 (b), 323, 324, 307 and 506(ii) of the Indian Penal Code, 1860, seeks bail.

2.The case of the prosecution is that on 27.04.2020, due to previous enmity, the Petitioner along with two other accused had abused the de-facto complainant with filthy language and assaulted him using knife and thereby attempted on his life. Hence, the Petitioner was arrested and remanded to judicial custody on 06.05.2020.

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 since the Petitioner is involved in four previous cases, for the purpose of statistics, the Respondent Police had registered a false complaint against the Petitioner. He would further submit that the so called injured has been discharged from the hospital and he is inside the prison for the past two months. Hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor would submit that on 27.04.2020, due to previous enmity, the Petitioner along with two other accused had abused the de-facto complainant with filthy language and assaulted him using knife and thereby attempted on his life. He would further submit that the Petitioner has got four previous cases. The victim has been discharged from 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 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 learned Judicial Magistrate, Thiruvottiyur 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 three weeks and thereafter, he shall report before the Respondent Police every Monday at 10.30 a.m. until further orders;

(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

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/-
03/07/2020

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,
THIRUVOTTIYUR

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

3 THE ADDL. PUBLIC PROSE
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
M-5, ENNORE POLICE STATION,
CHENNAI.

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

सत्यमेव जयते

CRL OP.9328/2020

Date : 03/07/2020

RD 12/08/2020

WEB COPY