

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

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

Crl. O.P. No. 9417 of 2020

Guna

... Petitioner

-vs-

State represented by the Inspector of Police,
Tiruppur North 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. 308 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. 308 of 2020 which was registered by the Respondent for the offence punishable under Sections 294(b), 307 and 506(i) of the Indian Penal Code, 1860, seeks bail.

2.The case of the prosecution as per the de-facto complainant is that while the de-facto complainant and his friends were taking tiffin, the Petitioner accompanied the other accused and quarelled with the de-facto complainant and attacked him with knife. Hence, 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 even as per the complaint, onr Ikram and Shamsuddin are stated to have assaulted the de-facto complainant and the Petitioner has only accompanied them and other than that, there is no allegation against the Petitioner. He would further submit that as per the complaint, only threatening has been made on the de-facto complainant by the Petitioner. 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 the Petitioner was friend of habitual offenders, viz., Ikram and Shamsuddin, and on 19.02.2020 in the night hours, they have attacked the de-facto complainant. He would further submit that the victim was 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. I, 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 05.30 p.m. for a period of two weeks and thereafter, he shall report before the respondent police every Monday at 05.30 p.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 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. I,
TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
DISTRICT PRISON, ERODE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
TIRUPPUR NORTH POLICE STATION,
TIRUPPUR DISTRICT.

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

CRL OP. 9417/2020

Date : 01/07/2020

MK:13/08/2020