

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

CrI. O.P. No. 9545 of 2020

1.Naresh Babu

2.Lawrence

3.R. Bharathi

.... Petitioners

-vs-

The State of Tamil Nadu,
Rep. by its Inspector of Police,
Somangalam Police Station,
Kancheepuram District,
Kancheepuram.

.... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C.
to enlarge the petitioners on bail in Crime No. 680/2020 on the file
of the Respondent Police.

For Petitioners : Mr. V.M. Abdul Azeez

For Respondent : Mr. K. Prabakar
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The Petitioners, who were arrested and remanded to judicial custody on 03.06.2020 for the offence punishable under Sections 294 (b), 323, 324, 307 and 506(ii) of the Indian Penal Code, 1860, in Crime No. 680 of 2020 on the file of the Respondent Police, seek bail.

2.The case of the prosecution is that the Petitioners along with other accused attacked the de-facto complainant due to previous enmity and assaulted with wooden logs and thereby the Victim sustained injury in the leg.

3.The learned counsel for the Petitioners would submit that the Petitioners are innocent and they have been falsely implicated in this case. He would further submit that even as per the medical records, the Victim has stated that he was assaulted by unknown persons.

4.The learned Additional Public Prosecutor would submit that the Petitioners are notorious rowdy elements in that area. He would further submit that the First Petitioner has got 13 previous cases and the Second Petitioner has got 4 previous cases, and opposed for granting bail.

5.Taking into consideration of the antecedents of the First and Second Petitioners, I am not inclined to grant bail to them. However, I am inclined to grant bail to the Third Petitioner subject to the following conditions:-

(a) Accordingly, the Third 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 Third Petitioner has been confined and thereafter on his release;

(b) the Third Petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Sriperumbudur 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 Third Petitioner shall report before the Respondent Police everyday at 10.30 a.m. for a period of one week and thereafter, he shall report before the Respondent Police every Monday at 10.30 a.m. until further orders;

(e) the Third Petitioner shall not commit any offences of similar nature;

(f) the Third Petitioner shall not abscond either during investigation or trial;

(g) the Third 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 partly allowed.

-sd/-
26/06/2020

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.

TO

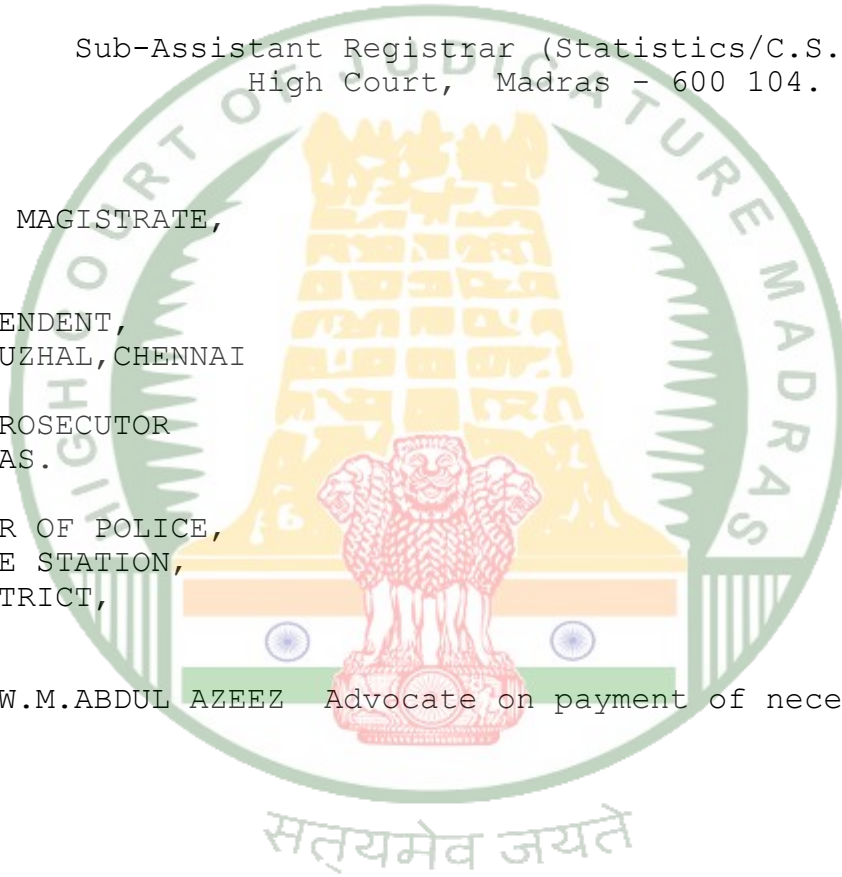
1 THE JUDICIAL MAGISTRATE,
SRIPERMBUDUR

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SOMANGALAM POLICE STATION,
KANCHEEPURAM DISTRICT,
KANCHEEPURAM

CC to M/S. W.M.ABDUL AZEEZ Advocate on payment of necessary charges



CRL OP.9545/2020

rd 27/07/2020

Date :26/06/2020

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