

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2020

CORAM:

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

CrI.O.P.No.9561 of 2020

Prakash

... Petitioner

Vs.

State Rep. by

The Inspector of Police

C-1, Sriperumbudur Police Station,

Kancheepuram District.

Crime No.986 of 2020

... Respondent

PRAYER: This Criminal Original Petition filed under section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in respect of the above Crime No.986 of 2020 on the file of the respondent police.

For Petitioner : Mr.G.Balamanikandan

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 28.05.2020 in Crime No.986 of 2020 on the file of the respondent police for the offences punishable under Sections 294(b), 324, 506(ii) r/w Section 3(1) of TNPPDL Act, seeks bail.

2. The case of the prosecution is that the petitioner assaulted the defacto complainant with wooden log and caused damage to the mobile shop, in which, the defacto complainant was working, since the defacto complainant had demanded a sum of Rs.2,500/- for service charge of the mobile phone of the petitioner.

3. The learned counsel would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the petitioner had given a mobile phone for repair and that the defacto complainant demanded a huge amount and a quarrel started between them. Therefore, the defacto complainant had given a false complaint. He would further submit that without prejudice to his contention, the petitioner is prepared to deposit a sum of Rs.25,000/- in favour of the owner of the shop in his account number and undertakes to produce the proof.

4. The learned Additional Public Prosecutor would submit that the defacto complainant is working in the mobile shop. The petitioner had given a mobile phone for repair. Since the defacto complainant had claimed a sum of Rs.2,500/-, the petitioner had enraged and assaulted the defacto complainant with wooden log and also caused damage to the shop. The value of the damages is Rs.1,50,000/-, as per the F.I.R.

5. Taking into consideration the facts and circumstances of the case and the petitioner is inside in custody from 28.05.2020 and that he would also offer to pay a sum of Rs.25,000/- to the owner of the shop, without prejudice his contention, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) The petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) through RTGS/NEFT transfer to the credit of Mr.Aravind.U (Owner of Mobile Shop) (IDBI Bank, SRIPERUMBUDUR BRANCH-602 105 A/c No.0322104000053118, IFS Code:IBKL0000322) and on such deposit and production of proof, 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 petitioners have been confined and thereafter on their release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the Judicial Magistrate, Sriperumbudur, within 15 days from the date of lifting of the lock down 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.

(f) it is made clear, merely because the Petitioner has deposited the said amount, it would not amount to admission of their guilt. Therefore, it is open to the trial Court to deal with the case independently;

(g) the petitioner shall not commit any offences of similar nature;

(h) the petitioner shall not abscond either during investigation or trial;

(i) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(j) 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];

(k) 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/-

29/06/2020

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,
SRIPERUMBUDUR.

2 THE OFFICER INCHARGE
DISTRICT PRISON, CHENGALPATTU.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
C-1 SRIPERUMBUDUR POLICE STATION,
KANCHEEPURAM DISTRICT.

5 MR.ARAVIND.U (OWNER OF MOBILE SHOP)
(IDBI BANK, SRIPERUMBUDUR BRANCH-602 105
A/C NO.0322104000053118,
IFS CODE:IBKL0000322)

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

CRL OP.9561/2020

Date :29/06/2020