

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. 9844 of 2020

Sugumar @ Sugumaran

... Petitioner

-vs-

State rep by

The Inspector of Police,
Sriperumbudur Police Station,
Kancheepuram District.

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the Petitioner on bail pending investigation in Crime No. 1266 of 2020 on the file of the Respondent Police.

For Petitioner : Mr. R. Sasikumar

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 11.06.2020 for the alleged offence punishable under Sections 294(b), 323, 307 & 506(ii) of the Indian Penal Code, 1860, in Crime No. 1266 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the Petitioner along with other accused asked the victim to come to a place, on the assurance of giving fish for him. When the victim had gone to the place, the accused compelled him to smoke Ganja. When it was refused by the victim, the accused brutally attacked him with knife and also assaulted him with hands and legs, due to which the victim had suffered injuries.

3.The learned counsel for the Petitioner would submit that the Petitioner is innocent and he has been falsely implicated in this case. He would also submit that there are no previous cases as against the Petitioner. He would further submit that taking into consideration the age of the Petitioner, this Court may grant bail to the Petitioner.

would submit that the Petitioner joined with the other accused and asked the victim to come to a place and compelled him to smoke Ganja and when it was refused by the victim, the Petitioner attacked him brutally with knife and the other accused assaulted him with hands and legs. He would further submit that the injured has been discharged from the hospital, however, he has suffered with 40 sutures. Hence, he opposed to grant bail to the Petitioner.

5. At this juncture, the learned counsel for the Petitioner would submit that since the Petitioner and the victim are friends, there is a likelihood of settling the matter at a later point of time. He would further submit that without prejudice to his defence, the Petitioner is also prepared to pay Rs.20,000/- (Rupees Twenty Thousand only) to the victim towards medical expenses.

6. Taking into consideration the facts and circumstances of the case and also taking into consideration the age of the Petitioner, this Court is inclined to grant bail to the Petitioner subject to the following conditions:-

(a) Accordingly, the Petitioner shall pay a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the victim through the Inspector of Police, Sriperumbudur and on such payment 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 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, 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 Petitioner shall report before the respondent police every day at 10.30 a.m. for a period of one week and thereafter, every Monday at 10.30 a.m. until further orders;

(e) the Petitioner shall furnish the correct details of address along with mobile number to the Investigating Officer and to the concerned Court;

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

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

(h) the Petitioner shall not tamper with evidence or witness either during investigation or trial;

<https://hcservices.ecourts.gov.in/hcservices/> If 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];

(j) 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 CHIEF JUDICIAL MAGISTRATE
SRIPERUMBUDUR

2 THE OFFICER INCHARGE
SUB-JAIL, SAIDAPET, CHENNAI

3 THE ADDL.PUBLIC PROSECUT
OR, HIGH COURT, MADRAS.

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

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

WEB COPY

CRL OP.9844/2020

Date :01/07/2020

RD 17/08/2020