

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. 9848 of 2020

Jemini @ Manikandanan

... Petitioner

-vs-

State rep by
The Inspector of Police,
Kanchi Taluk 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. 1318 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 29.05.2020 in Crime No. 1318 of 2020 which was registered by the Respondent for the offence punishable under Sections 147, 148, 294(b), 323, 324, 307 and 506(ii) of the Indian Penal Code, 1860, seeks bail.

2.The case of the prosecution as per the de-facto complainant is that he, Petitioner and A1 are friends and A1 is a notorious rowdy element. On 06.05.2020, since the de-facto complainant had called A1 by his name, A1 got enraged and A1 along with the other accused had assaulted de-facto complainant and caused cut injury on his head and also on the left index finger resulting in amputation of the left finger and he was admitted in hospital. Hence, the Petitioner was arrested and remanded to judicial custody on 29.05.2020.

3.The learned counsel for the Petitioner would submit that the Petitioner is innocent and he has been falsely implicated in this case. He would further submit that the Petitioner and de-facto complainant and A1 are friends. On the fateful day, the defacto complainant had called A1 by name and enraged by that A1 had inflicted cut injuries on the head and left index finger of the defacto complainant by knife. Other than the allegation that the petitioner was present alongwith A1 no overtact is attributed

to the petitioner. He would further submit that without prejudice to his contentions and defence, the Petitioner is prepared to pay an amount of Rs.25,000/- (Rupees Twenty Five Thousand only) towards medical expenses of the victim. He would further submit that the Petitioner was arrested and remanded to judicial custody on 29.05.2020. Hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor would submit that the Petitioner and the de-facto complainant and other accused are friends. On the fateful day, the de-facto complainant had called A1 by his name and A1, who is a notorious element, got enraged calling him by his name and thereby, A1 has assaulted the de-facto complainant with knife resulting in head injury and loss of left index finger. He would further submit that the de-facto complainant and the Petitioner and A1 are friends. However, he would further submit that injured was discharged from the hospital and the Petitioner has got one previous case of the offence under Section 302 of the Indian Penal Code, 1860, and the Explosive Substances Act, 1908, and opposed for granting bail.

5.Taking into consideration of the facts and circumstance of this case and that the learned counsel for the Petitioner submitted the Petitioner has offered to pay an amount of Rs.25,000/- (Rupees Twenty Five Thousand only) to the victim towards medical expenses and the Petitioner was only in the accompany of other accused, 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.25,000/- (Rupees Twenty Five Thousand only) to the victim through the Inspector of Police, Kanchi Taluk Police Station, Kancheepuram District, 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 No. II, Kancheepuram 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. until further orders;

(e) it is made clear, merely because the petitioners have 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;

(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;

(i) 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 JUDICIAL MAGISTRATE NO.II,
KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

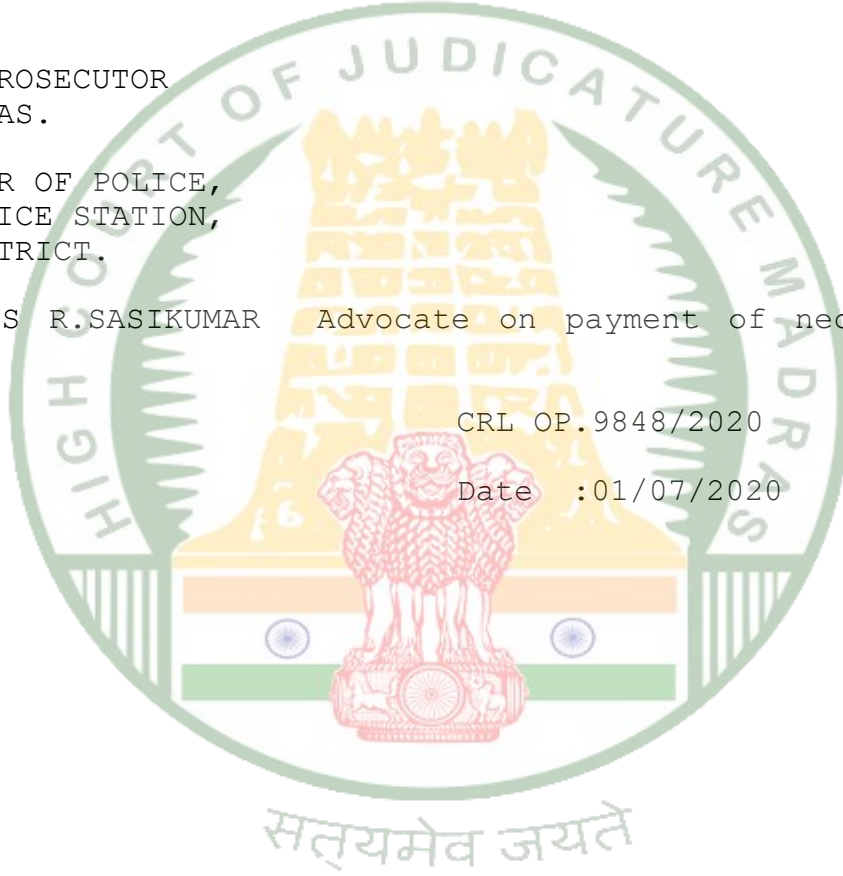
5 THE INSPECTOR OF POLICE,
KANCHI TALUK POLICE STATION,
KANCHEEPURAM DISTRICT.

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

CRL OP.9848/2020

Date :01/07/2020

MK:14/08/2020



WEB COPY