

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2020

CORAM:

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

Crl.O.P.No.10058 & 10065 of 2020

Baskar @ Baskaran

... Petitioner in both Crl.O.Ps

Vs.

State Rep. by
The Inspector of Police
Mannargudi Town Police Station,
Tiruvarur, Mannargudi-614001.

... Respondent in both Cr.O.Ps

COMMON 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 Nos.2285 & 2283 of 2019 on the file of the respondent police.

For Petitioner : M/s.Nirmal Aditya
in both Crl.O.Ps

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor
in both Cr.O.Ps

C O M M O N O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 16.06.2020 in Crime Nos.2285 & 2283 of 2020 on the file of the respondent police for the offences punishable under Sections 294(b), 324 and 506(II) of the Indian Penal Code, 1872, seeks bail.

2. The case of the prosecution in Crime No.2283 of 2020 as per the defacto complainant/Narpertraj is that due to previous enmity, the petitioner in inebriated condition, abused with filthy language, assaulted him and caused injury to him.

3. The case of the prosecution in Crime No.2285 of 2020 as per the defacto complainant/Muhilan is that on 15.06.2020, at about 11.30 hours, the petitioner in inebriated condition and due to previous enmity, the petitioner abused him and assaulted him.

4. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that in fact, the petitioner was assaulted by the defacto complainant/Muhilan and based on the complaint given by the petitioner, the case in Crime No.2284 of 2020 has been

registered. He would submit that the petitioner was injured and when he was taking treatment in the hospital, the other false case has been foisted on him, based on the complaint received from one Narpertraj friend of Muhilan. He would submit that both the defacto complainants have been discharged from the hospital. He would submit that the petitioner is prepared to abide by any condition and he would even stay away from the village.

5. The learned Additional Public Prosecutor would submit that the petitioner and the defacto complainants are friends and that on 16.06.2020, while taking liquor, there was a quarrel between them in the afternoon. Later, in the night, the petitioner in an inebriated condition had gone to the place of the defacto complainants and assaulted them. He would submit that the counter case in Cr.No.2284 of 2020 was registered, based on the complaint given by the petitioner against Muhilan, the defacto complainant in Cr.No.2285 of 2020.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the Counsels and the petitioner is inside in custody from 16.06.2020, 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), before the Judicial Magistrate-I, Mannargudi, 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 staty at Thiruvarur and report before the Thiruvarur Town Police Station on every day at 10.30 a.m., for a period of two weeks, and thereafter appear before the respondent police as and when required for interrogation;

(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.

(j) It is made clear that for a period of two weeks, he will stay at Thiruvavarur.

6. With the above directions, these Criminal Original Petitions are ordered.

-sd/-

03/07/2020

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, MANNARGUDI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE, MANNARGIDI TOWN
POLICE STATION, TIRUVARUR,
MANNARGUDI - 614001

4 THE OFFICER INCHARGE,
DISTRICT PRISON, NAGAPATTINAM.

5 THE OFFICER INCHARGE,
THIRUVARUR TOWN POLICE STATION,
THIRUVARUR

CC to M/S. NIRMAL ADITYA Advocate on payment of necessary charges

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Date :03/07/2020

RVR 27/08/2020