

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.07.2020

CORAM :

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

Crl.O.P.No.10123 of 2020

Rajesh @ Michel

... Petitioner

Vs.

State by

Sub-Inspector of Police

Ambur Taluk Police Station

Tirupattur District

(Crime No.935 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.935 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.P.Palanichamy

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 22.06.2020 for the offence punishable under Sections 147, 148, 341, 294(b), 324, 307 IPC in Crime No.935 of 2020, seeks bail.

2. The case of the prosecution is that the defacto complainant's cousin sister eloped with A3. When the panchayat was conducted, quarrel arose between the parties, and the defacto complainant was attacked with knife by A1 during the quarrel, resulting in the defacto complainant sustaining head injury.

3.The learned counsel appearing for the petitioner would submit that the defacto complainant's cousin sister eloped with A3. When the panchayat was conducted, the defacto complainant asked the panchayat to send back the girl, during which, quarrel arose and a false case has been foisted against the petitioner. He would further submit that the injured has been discharged.

4.The learned Government Advocate (Crl. Side) would submit that the cousin sister of the defacto complainant eloped with A3 in this case. Thereafter, panchayat was conducted, during which, the accused assaulted the defacto complainant with knife resulting in him sustaining injury in the head. Injured has been discharged from the hospital.

5.Taking into consideration of the facts and circumstances and also the submissions of the learned counsel, 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) each, before the learned Judicial Magistrate, Ambur, 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 daily at 10.30 a.m. for a period of two weeks, thereafter, on every Monday at 10.30 a.m. until further orders.

(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 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 ordered.

-sd/-

06/07/2020

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,
AMBUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 SUB-INSPECTOR OF POLICE,
AMBUR TALUK POLICE STATION,
TIRUPATTUR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, AMBUR

CC to M/S. C.P.PALANICHAMY Advocate on payment of necessary charges

CRL OP.10123/2020

सत्यमेव जयते Date : 06/07/2020

RVR 28/08/2020

WEB COPY