

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.10134 of 2020

M.Kabilan

... Petitioner

Vs.

State rep. by
Inspector of Police
Thiruvarur Taluk Police Station
Thiruvarur District
(Crime No.1013 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.1013 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.P.Muthamizh Selvakumar

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 14.06.2020 for the offence punishable under Sections 147, 148, 294(b), 324, 506(ii), r/w 307 IPC in Crime No.1013 of 2020, seeks bail.

2. The case of the prosecution is that on 18.05.2020, when the defacto complainant's son was playing in front of the house, one of the accused drove his two wheeler in a very rash and negligent manner and on being warned by the defacto complainant, the accused on 19.05.2020, along with four other persons, including this petitioner, attacked the defacto complainant and he sustained injuries on head and was admitted in the hospital. Hence the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner is no way connected to the offence as alleged by the prosecution, therefore, he prays to grant bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner along with other accused attacked the defacto complainant and caused head injury. The injured has been discharged from the hospital and there is no previous case against this petitioner.

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 Judicial Magistrate Court, Thiruvavarur, 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 and thereafter 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 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,
THIRUVARUR

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
THIRUVARUR TALUK POLICE STATION,
THIRUVARUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

CC to M/S. P.MUTHAMIZH SELVAKUMAR Advocate on payment of
necessary charges

CRL OP.10134/2020

Date :06/07/2020

RVR 28/08/2020

सत्यमेव जयते

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