

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.10140 of 2020

Sivalingam

... Petitioner

Vs.

The State, represented by
Inspector of Police
Sooramangalam Police Station
Salem 636007
(Crime No.919 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.919 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.D.Manuel

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 09.06.2020 for the offence punishable under Sections 294(b), 324, 307 and 506(ii) IPC in Crime No.919 of 2020, seeks bail.

2. The case of the prosecution is that due to previous enmity the petitioner who is an advocate, assaulted the defacto complainant with a paper cutting blade.

3.The learned counsel appearing for the petitioner would submit that the petitioner is a practising advocate in the Salem Courts. He would further submit that the husband of the defacto complainant consumed alcohol and created problem in the locality, when the same was questioned by the petitioner, quarrel arose between them and the petitioner was assaulted and there was a scuffle during which the victim suffered injuries in the stomach. He would submit that the victim has been discharged.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner is an Advocate, during the quarrel, he had assaulted the defacto complainant with paper cutting blade, as a result, the defacto complainant sustained injuries to his abdomen. 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 Judicial Magistrate Court No.II, Salem, 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 one week 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,
NO.II, SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
SOORAMANGALAM POLICE STATION,
SALEM 636 007

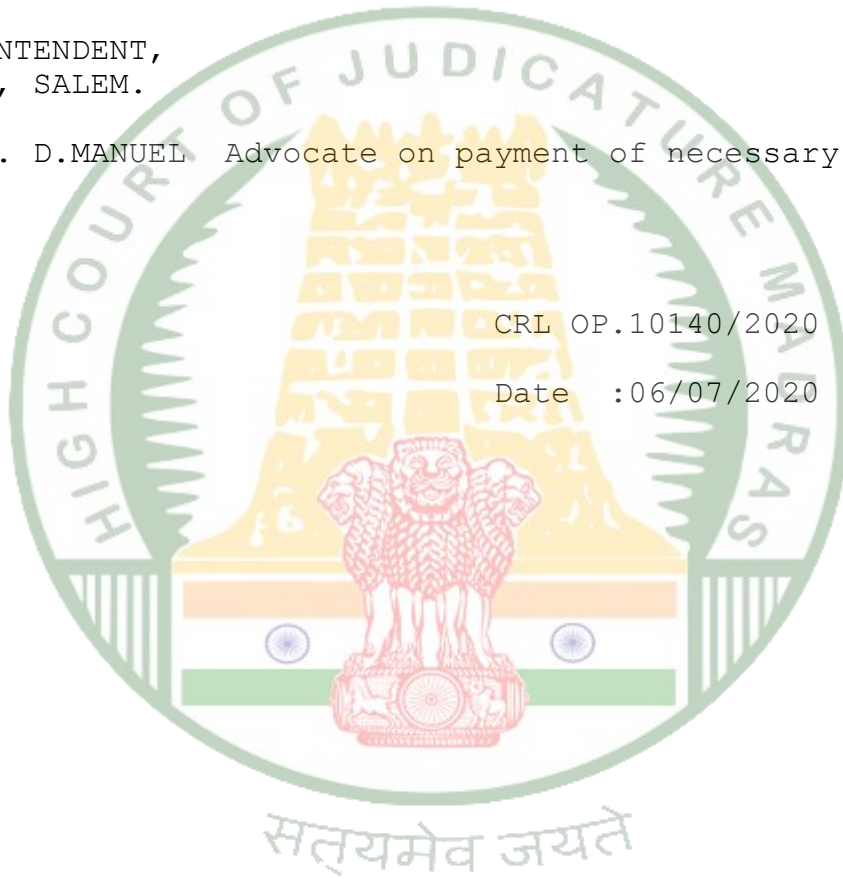
4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

CC to M/S. D.MANUEL Advocate on payment of necessary charges

CRL OP.10140/2020

Date :06/07/2020

RVR 28/08/2020



WEB COPY