

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.10141 of 2020

R.Aravinthan

... Petitioner

Vs.

The Inspector of Police
E-3, Minjur Police Station,
Chennai - 600 064.
(Crime No.2115 of 2020)

... Respondent

PRAYER: This Criminal Original Petition filed under section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in Crime No.2115 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.T.V.G.Kartheeban

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 15.06.2020 for the offences punishable under Sections 393 IPC Crime No.2115 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 15.06.2020, the petitioner waylaid the defacto complainant and attempted to commit robbery. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that on 14.06.2020, when the petitioner had gone to TASMAL shop, there was a clash between two groups and the petitioner was falsely taken into custody and that he was brutally attacked by the police due to which, he sustained fracture in his hand and taking treatment in the jail hospital. He would further submit that the petitioner needs better treatment in a hospital outside for his fracture and hence, seeks for grant of bail to the petitioner.

4. The learned Government Advocate vehemently opposed for grant of bail stating that the petitioner is a member of notorious rowdy gang. The petitioner along with other accused earlier assaulted a police in respect of which, a case in Crime No.2563 of 2020 was registered by the Cholavaram Police.

5. Taking into consideration the facts of the case that the petitioner has suffered a fracture and that he needs better treatment, 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 her 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-II, Ponneri, on or before 06.08.2020, 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 on every Monday and Saturday 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 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.

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

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, PONNERI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

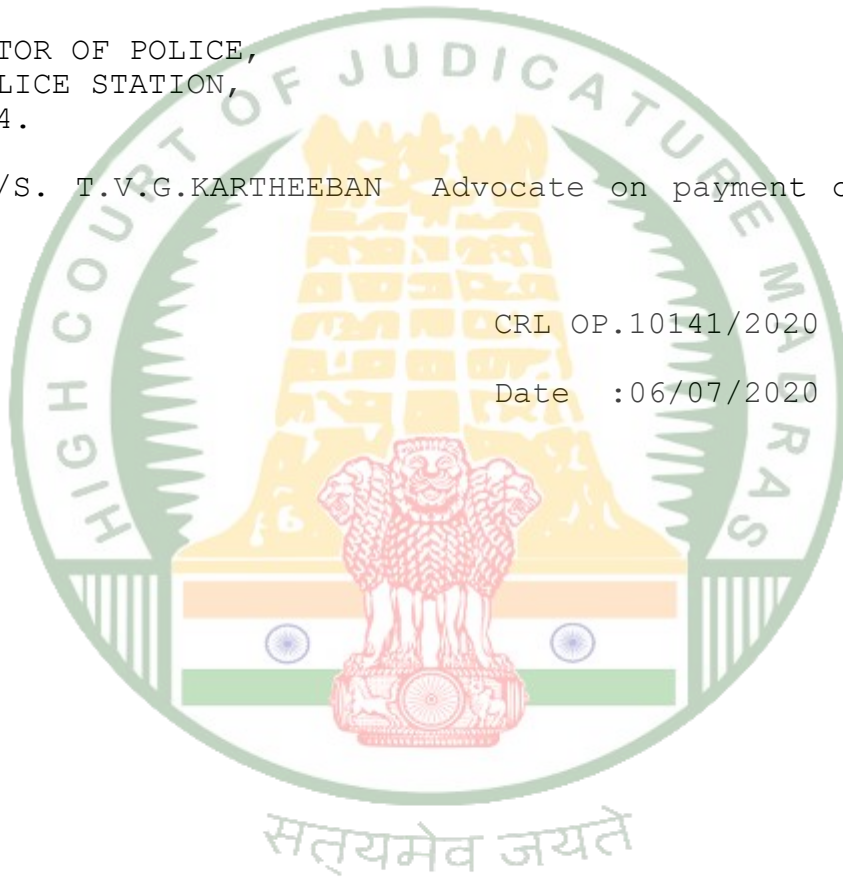
4 THE INSPECTOR OF POLICE,
E-3, MINJUR POLICE STATION,
CHENNAI 600 064.

CC to M/S. T.V.G.KARTHEEBAN Advocate on payment of necessary
charges

CRL OP.10141/2020

Date :06/07/2020

RVR 28/08/2020



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