

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2020

CORAM:

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

Crl.O.P.No.10198 of 2020

Aravind @ Aravinthan

... Petitioner

Vs.

State by:

The Inspector of Police,
N-2, Kasimedu Police Station,
Chennai.

(Crime No.1147 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.1147 of 2020 on the file of the respondent police.

For Petitioner : Mr.E.Pandian

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 23.06.2020 for the offence punishable under Sections 147, 148, 341, 294(b), 323, 324, 307 of IPC in Crime No.1147 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity, on 24.05.2020, the petitioner along with other accused abused and assaulted the defacto complainant namely Rajesh and his friend Vinodh with knife and bottle, resulting them sustaining head injury. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is an innocent and he has been falsely implicated in this case and that the petitioner has been in judicial custody from 24.05.2020 and prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that the petitioner and the defacto complainant belong to rival gang and due to previous enmity, the petitioner along with other accused assaulted the defacto complainant and one Vinodh. He further submitted that the victims were treated as outpatients. However, he opposed for the grant of bail.

5. Taking into consideration the facts and circumstances of the case and considering the period of incarceration by the petitioner from 25.05.2020, 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) each, before the Metropolitan Magistrate XV, George Town, Chennai, on or before 07.08.2020, 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 daily 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/-

07/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 XV METROPOLITAN MAGISTRATE
GEORGE TOWN, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE
N-2, KASIMEDU POLICE STATION,
CHENNAI.

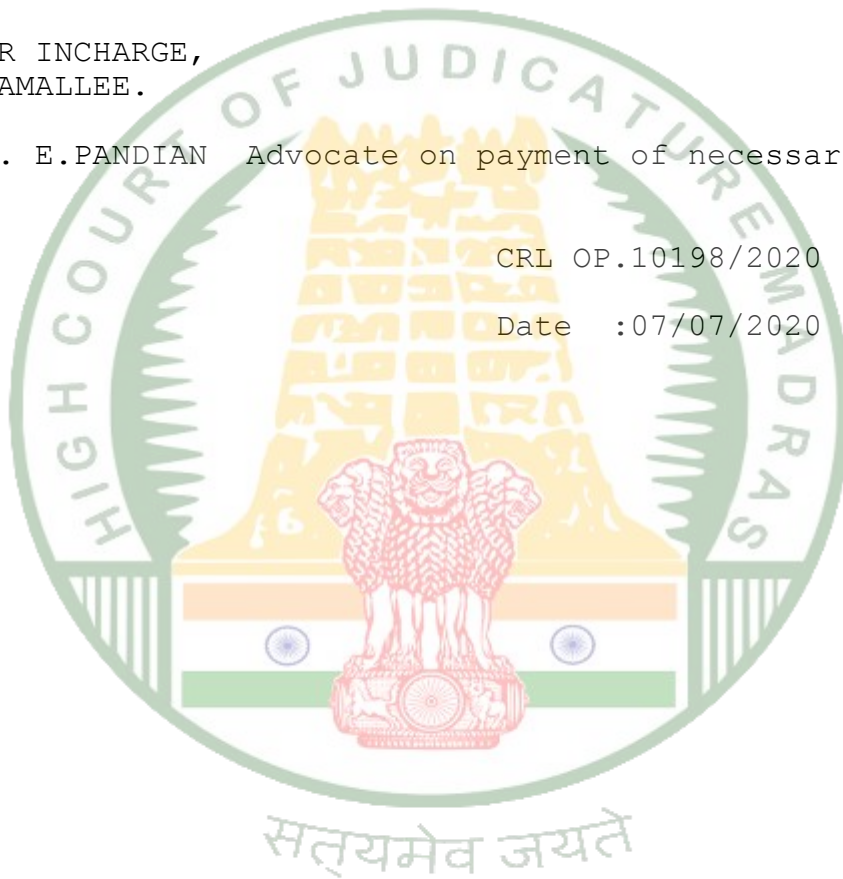
4 THE OFFICER INCHARGE,
SUB JAIL, POONAMALLEE.

CC to M/S. E.PANDIAN Advocate on payment of necessary charges

CRL OP.10198/2020

Date :07/07/2020

RVR 01/09/2020



WEB COPY