

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No. 10308 of 2020

Arularasan

... Petitioner/Sole Accused

Vs.

The Sub Inspector of Police, Law and Order,
Walajapet Police Station,
Vellore District.
(Crime No. 685 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner/accused on bail in the above Crime No.685 of 2020, pending investigation on the file of the respondent police.

For Petitioner : Mr.T.Saravanan

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 21.06.2020 for the offences punishable under Sections 294(b), 332, 353 & 506(2) of IPC in Crime No. 685 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.06.2020, the petitioner had violated the lock down conditions and when the police had asked him to get away, the petitioner has abused the policemen and also assaulted them due to which, one of the policeman sustained fracture. 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. He would submit that the petitioner is a Psychiatric patient and all of sudden due to his psychiatric condition, he got agitated on seeing the policemen and subsequently attacked them. He would submit that the mother of the petitioner is a retired Head Mistress and that she is prepared to stand as a surety to the petitioner. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner defied the lock down rules and had come to the street in a drunken mood and when the policemen had directed him to get back home, he had assaulted the policemen resulting in, the policemen sustaining injuries and one of the policeman sustained fracture in his hand. He would further submit that investigation is pending. Hence, he vehemently opposed for the grant of bail to the petitioner.

5. Considering the above facts and circumstances of the case and considering the period of incarceration by the petitioners from 21.06.2020, 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 (out of which, one shall be the mother of the petitioner) before the learned Judicial Magistrate No.II, Walajapet, Vellore, on or before 09.08.2020, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the mother of the petitioner shall ensure that the petitioner does not come out of the house when under treatment for psychiatry.

(d) 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;

(e) the petitioner shall report before the respondent police as and when required for interrogation.

(f) the petitioner shall not commit any offences of similar nature;

(g) the petitioner shall not abscond either during investigation or trial;

(h) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(i) 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

(j) 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/-
09/07/2020

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, WALAJAPET, VELLORE.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB INSPECTOR OF POLICE LAW AND ORDER,
WALAJAPET POLICE STATION,
VELLORE DISTRICT.

CC to M/S. T.SARAVANAN Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.10308/2020

Date :09/07/2020

cs 07/08/2020

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