

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.07.2020

CORAM :

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

CrI.O.P.No.10430 of 2020

J.Clinton

... Petitioner

Vs.

The State

Represented by

The Inspector of Police

M-5, Ennore Police Station

Chennai

(Crime No.2345 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.2345 of 2020 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.R.Dinesh Kumar

For Respondent : Mr.Shunmugarajeswaran
Government Advocate (CrI. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 25.06.2020 for the offence punishable under Sections 341, 294(b), 323, 307 and 506(II) IPC, in Crime No.2345 of 2020, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner along with other accused has attacked the de-facto complainant with knife and attempted to do away with him on 25.06.2020.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the de-facto complainant had assaulted the father of the petitioner and due to that enmity, he has given a false complaint against the petitioner.

4.The learned Government Advocate (Criminal Side) would submit that due to previous enmity, the petitioner along with other accused assaulted the defacto complainant with knife, due to which, the victim sustained injuries. The injured has been discharged from the hospital on 02.07.2020. He would further state that the petitioner has been affected with COVID 19 and taking treatment.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels and the period of incarceration suffered by the petitioner from 25.06.2020, 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) each, 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 learned Judicial Magistrate Court, Thiruvottiyur, within two weeks from the date of receipt of a copy of this order or after lifting of the lockdown and the commencement of the Court's normal functioning, whichever is earlier 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 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 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/-
10/07/2020

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 COURT,
THIRUVOTTIYUR.

2 THE OFFICER INCHARGE
SUB-JAIL, THIRUVALLUR.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
M-5 ENNORE POLICE STATION,
CHENNAI.

CC to M/S R.DINESHKUMAR Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.10430/2020

Date :10/07/2020

cs 04/08/2020

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