

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.07.2020

CORAM :

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

Crl.O.P.No.10510 of 2020

Purushothaman

... Petitioner

Vs.

State Rep. by
The Inspector of Police
Vaduvur Police Station
Vaduvur, Tiruvarur District
(Cr.No.864 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.864 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.B.Jawahar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(These cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 26.06.2020 for the offence punishable under Sections 147, 148, 294(b), 363, 324 and 506(ii) of IPC, in Crime No.864 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant Malarmannan is that due to previous enmity regarding financial dispute, the petitioner abducted the complainant and took him to a poultry farm where they have assaulted him and thereafter, the defacto complainant escaped from there.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent. Due to previous enmity, a false complaint has been foisted against him. He further submitted that co-accused has been released on bail in Crime No.9919 of 2020.

3.The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused abducted the defacto complainant and taken him into a poultry farm where they have assaulted and thereafter, he was rescued by his relatives.

5. Taking into consideration of the facts and circumstances, also considering the submissions made by the learned counsels and the petitioner is in custody from 26.06.2020, 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 her 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 on his release;

(b) Thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the learned Judicial Magistrate No.I, Mannargudi, 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. 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/-
14/07/2020

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.I, MANNARGUDI.

2 THE OFFICER INCHARGE
SUB JAIL, THIRUTHURAIPOONDI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VADAVUR POLICE STATION,
TIRUVARUR DISTRICT.

CC to M/S. B.JAWAHAR Advocate on payment of necessary charges

CRL OP.10510/2020

Date :14/07/2020

cs 04/08/2020

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