

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.10687 of 2020

Sudhakar

... Petitioner

Vs.

State rep. By

...Respondent

The Sub Inspector of Police,
Pullarambakkam Police Station,
Thiruvallur District.
(Crime No.269 of 2020)

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.269 of 2020 on the file of respondent Police.

For Petitioners : M/s.R.Sasikumar

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

(The case has been heard through Video Conference)

The petitioner, who was arrested on 07.06.2020 for the offence punishable under Sections 341, 294(b), 324, 506(2), 302 of IPC r/w 3 (1) of TNPPDL Act, in Crime No.269 of 2020, seeks bail.

2. The case of the prosecution is that on 17.04.2020 at about 4.30 pm., the petitioner along with some others, waylaid the de-facto complaint's vehicle and caused damages his vehicle due to previous enmity and also attacked the son of defacto complainant resulting in, sustaining him severe injuries. Thereafter, he was taken to the Government Hospital, Thiruvallur, where he was declared as brought dead. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case due to previous enmity between the petitioner and the defacto complainant. He would further submit that during the year 2018, the deceased/son of the defacto complainant had assaulted the petitioner for which, the petitioner had lodged a complaint and the same was registered in Crime No.506 of 2018. He would submit that the deceased is a notorious element and there are several cases pending against him. Only on suspicion, the petitioner has been implicated in this case and there is no previous case against the petitioner. He further submitted that the petitioner has been in judicial custody from 07.06.2020. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate would submit that the son of the defacto complainant had earlier attacked the petitioner due to which, there was enmity between them. While So, on 17.04.2020, the petitioner along with the other accused waylaid the defacto complainant's vehicle and after causing damages to his vehicle, attacked the son of the defacto complainant with knife resulting in, the victim sustaining injuries. Thereafter, he was taken to the hospital where he was declared brought dead.

5. Taking into consideration the facts and circumstances and the submissions made by the learned counsel and also considering the period of incarceration by the petitioner from 07.06.2020, 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 condition to execute 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 learned Judicial Magistrate - I, Thiruvallur, **within a period of two weeks after lifting of lockdown or 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 stay at Vellore and report before the Inspector of Police, Vellore Town Police Station, daily at 10.30 a.m. and 05.30 pm until further orders. It is made clear that the petitioner shall not enter into the jurisdictional limits of the Pullarambakkam Police Station, Thiruvallur District, 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.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

17/07/2020

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 - I
THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
PULLARAMBAKKAM POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

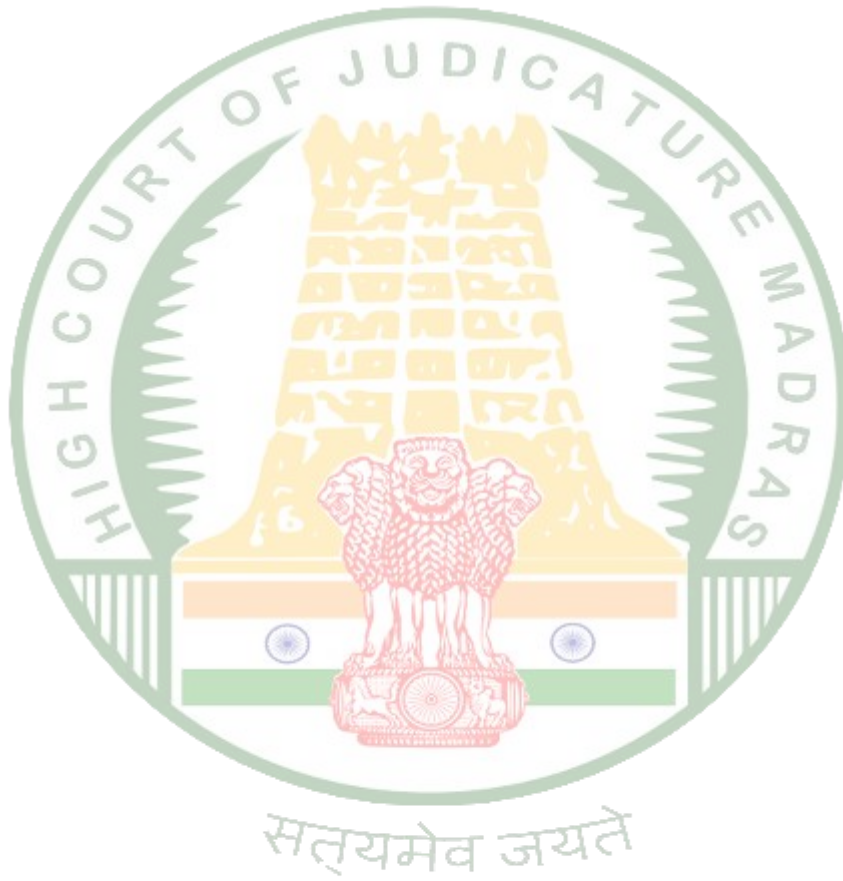
6 THE INSPECTOR OF POLICE,
VELLORE TOWN POLICE STATION,
VELLORE.

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

CRL OP.10687/2020

Date :17/07/2020

TA-25/08/2020



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