

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 11271 of 2020

Basha

... Petitioner/Accused No.2

Vs.

The State represented by,
The Inspector of Police,
Sankar Nagar Police Station,
Sankar Nagar, St. Thomas Mount,
Chennai.(Crime No.506 of 2020) ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 506 of 2020, on the file of the respondent police.

For Petitioner : Mr.G.Saravanan

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 18.05.2020 for the offences punishable under Sections 294(b), 323, 307, 506(2) of IPC in Crime No.506 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant is that on 17.05.2020 when the defacto complainant was at home, the accused came to his house and had created a problem near by his house and when it was questioned by the defacto complainant, the accused had assaulted the defacto complainant with knife and caused injuries. 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. He would submit that even as per FIR the victim has been treated as an out patient and that since, the petitioner has been involved in three previous cases, a case has been foisted against the him. He would further submit that the petitioner was arrested on 18.05.2020 and he is in custody for 80 days as of today (05.08.2020). Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate appearing for the respondent would submit that the petitioner along with other accused have picked up a quarrel with the defacto complainant and assaulted on the defacto complainant with knife and caused injuries to the defacto complainant. He would further submit that the defacto complainant has been treated as an out patient and that there are three previous cases as against the petitioner. Hence, he opposed to grant bail to the petitioner.

5 Taking into consideration of the facts and circumstance of this case and also considering the fact that the petitioner is in jail from 18.05.2020, 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, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate No.I, Tambaram, within 15 days from the date of lifting of the lock down or the commencement of the Court's normal functioning, which ever 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 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/-

05/08/2020

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, TAMBARAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
SANKAR NAGAR POLICE STATION,
SANKAR NAGAR, ST.THOMAS MOUNT,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

CC to G.SARAVANAN Advocate on payment of necessary charges

CRL OP.11271/2020

Date :05/08/2020

RVR 10/09/2020

WEB COPY