

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.08.2020

CORAM :

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

CrI.O.P.No.12173 of 2020

M.Sathishkumar @ Babu
S/o.Mani

... Petitioner

Vs.

The State
Rep. by the Inspector of Police
Thiruvannamalai Town Police Station
Thiruvannamalai District
(Crime No.2207 of 2020) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in respect of Crime No.2207 of 2020 on the file of the Thiruvannamalai Town Police Station, Thiruvannamalai District, pending investigation.

For Petitioner : Mr.S.B.Viswanathan
For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (CrI. 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 02.07.2020 for the offences punishable under Section 294 (b) and 307 IPC, in Crime No.2207 of 2020, seeks bail.

2.The case of the prosecution is that on 01.07.2020 at about 1.30 p.m. on hearing the news that the petitioner had assaulted the friend of the defacto complainant, the defacto complainant went and questioned him, at that time, the petitioner scolded the defacto complainant in filthy language and attacked him with a liquor bottle and tried to kill him.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and that the said occurrence took place due to wordy quarrel which arose between the petitioner and the friend of defacto complainant one Vignesh. He would further submit that the bail application of the petitioner was earlier dismissed as the victim was not discharged from the hospital. In the meanwhile, without proper instructions, the counsel before the Trial Court filed application for bail and bail was granted to him. Thereafter, the

bail granted by the Trial Court was dismissed and the petitioner surrendered before the respondent police on 21.08.2020 and he was originally brought into judicial custody on 02.07.2020 and enlarged on bail on 07.08.2020.

4.The learned Government Advocate (Crl. Side) would submit that earlier the application for bail filed by the petitioner was dismissed in Crl.O.P.No.10929 of 2020 and suppressing the said fact, the petitioner filed application for bail before the Sessions Court and bail was granted to him on 07.08.2020 and the same was cancelled thereafter. He would further submit that the petitioner surrendered before the respondent police on 21.08.2020.

5.Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels, and also considering the fact that the injured has been discharged from the hospital, 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) Thereafter, the petitioner shall within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, and execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, out of which, one surety should be a blood surety, before the Judicial Magistrate's Court No.1, Polur, 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 on his release from prison, shall stay at Vellore and report before the Vellore Sathvachari Police Station everyday at 10.30 a.m. and 5.30 p.m. until further orders. The petitioner shall not enter the jurisdictional limits of the respondent police.

(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 petitioners in accordance with law as if the

conditions have been imposed and the petitioners 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/-

24/08/2020

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,
COURT NO.I, POLUR

2 THE OFFICER INCHARGE
SUB-JAIL, THIRUVANNAMALAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUVANNAMALAI TOWN POLICE STATION,
THIRUVANNAMALAI DISTRICT.

5 THE OFFICER INCHARGE
VELLORE SATHVACHARI POLICE STATION,
VELLORE

CC to S.B.VISWANATHAN Advocate on payment of necessary charges

CRL OP.12173/2020

Date :24/08/2020

RD 03/09/2020