

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.07.2020

CORAM :

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

Crl.O.P.No.11314 of 2020

Manimaran
S/o.Periya samy

... Petitioner

Vs.

State Represented by
The Inspector Of Police,
T3- Korattur Police Station, Chennai.
(Crime No.1255 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.1255 of 2020, pending investigation on the file of the respondent police.

For Petitioner : Mr.V.Vargees Amal Raja

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 12.06.2020 for the offences punishable under Section 341, 294(b), 323, 307, 506(ii) of IPC, in Crime No.1255 of 2020, seeks bail.

2.The case of the prosecution is that due to previous enmity, the petitioner along with other accused assaulted the defacto complainant resulting in him sustaining injuries in the head.

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 petitioner has been implicated in this case as he is the friend of the other accused. Even as per the F.I.R. during the alleged occurrence, the petitioner and the defacto complainant were in a drunken mood.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused due to previous enmity assaulted the defacto complainant and caused injury. He would further submit the injured has been discharged from the hospital. He would further submit that there are 12 previous cases pending against the 1st accused hence this Court has dismissed his bail application vide order dated 16.07.2020 in Crl.O.P.No.10608 of 2020. He would further submit that as far as this petitioner is concerned there are

5. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels and also the fact that the petitioner has not involved in any previous case, 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), before the learned Judicial Magistrate, Ambattur, 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 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 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/-

29/07/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)

<https://hcservices.ecourts.gov.in/hcservices/>

High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
AMBATTUR, CHENNAI

2 THE OFFICER INCHARGE
SUB-JAIL, SAIDAPET, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T3-KORATTUR POLICE STATION,
CHENNAI,

CC to M/S. V.VARGEES AMAL RAJA Advocate on payment of necessary
charges

RD 27/08/2020



CRL OP.11314/2020

Date :29/07/2020

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