

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.08.2020

CORAM :

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

Crl.O.P.No.11647 of 2020

VINOTH

... Petitioner

Vs.

State by
Inspector of Police
Arakonam Town Station
Vellore District
(Crime No.628 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.524 of 2020 on the file of the Inspector of Police, Arakonam Town Police Station, Vellore District.

For Petitioner : Mr.M.P.Yuvaraj

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 20.06.2020 for the offences punishable under Section 449, 308 IPC r/w 25(1)(d) of Arms Act, 1959 @ 447, 307 IPC r/w 25(1)(d) of Arms Act, 1959, in Crime No.628 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant one Suresh is that on 17.06.2020 while he was sleeping outside his house he sustained bullet injury, due to which, he was bleeding, and he found that the petitioner along with other accused had fired at him while hunting rabbits. The accused ran away from the scene of occurrence.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent. He would further submit that as per the case of the prosecution it is a case of accidental firing. The petitioner along with other accused had gone for rabbit hunting, at that time, they have wrongly shot at the defacto complainant, due to which he sustained injuries. He would further submit that the petitioner was arrested on 20.06.2020 and he is in prison for 45 days. He would further submit that the co-accused in this case has been granted bail by the Lower Court.

4.The learned Government Advocate (Crl. Side) would submit that when the petitioner along with other accused went for rabbit hunting, they have fired at the defacto complainant, who was sleeping outside his house. The defacto complainant got injured due to the firing.

5.Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels, and also considering the period of incarceration suffered by the petitioner from 20.06.2020, 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) Thereafter, the petitioner shall 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 learned Judicial Magistrate, Arakonam, 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. for a period of two weeks thereafter on every Monday 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/-

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,
ARAKONAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
ARAKONAM TOWN STATION,
VELLORE DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

CC to M/S. G.VINODH KUMAR Advocate on payment of necessary charges

CRL OP.11647/2020

Date :05/08/2020

RVR 11/09/2020

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