

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.08.2020

CORAM :

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

Crl.O.P.No.11721 of 2020

Rahamathulla @ Raghmathullah.N

... Petitioner

Vs.

State

Rep. by the Inspector of Police

K.10, Koyembedu Police Station

Koyembedu Market E Road,

Kalamman Koil St.

Chennai 600 107

(Crime No.761 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.761 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Ms.R.Thendral

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

O R D E R

(These cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 22.06.2020 for the offences punishable under Section 294(b) & 307 IPC, in Crime No.761 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant Gopinath is that he was the tenant under the petitioner. The petitioner asked the defacto complainant to vacate the premises within three months, due to which, quarrel arose between them. While so, on 22.06.2020, the petitioner abused the wife of the defacto complainant in filthy language, when the same was questioned by the defacto complainant, the petitioner inflicted injuries on the face of the defacto complainant with knife.

3.The learned counsel appearing for the petitioner would submit that this is the 2nd bail application. He would further submit that due to quarrel between the petitioner and the tenant the incident had occurred. He would further submit that the major part of the investigation is over and that the injured has also been discharged

from the hospital. He would further submit that the petitioner is a grocery shop owner. He would further submit that the petitioner is also prepared to amicably settle the financial dispute with the defacto complainant and he is prepared to abide by any stringent conditions to be imposed by this Court and he will not create problem with the tenant.

4.The learned Government Advocate (Criminal Side) would submit that the defacto complainant is the tenant under the petitioner and he has given Rs.5 lakhs towards advance. When the petitioner compelled the defacto complainant to vacate the premises, defacto complainant asked him to return the advance amount of Rs.5 lakhs, due to which, the petitioner inflicted injuries to the face of the defacto complainant at the instigation of the other accused, the victim sustained injuries and suffered 58 sutures on his face.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels, the period of incarceration, 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, before the learned Metropolitan Magistrate - V at Egmore, within a period of two weeks after lifting of lock down 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 petitioner 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/-

07/08/2020

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 METROPOLITAN MAGISTRATE
NO.V, EGMORE, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
K 10 KOYEMBEDU POLICE STATION,
KOYEMBEDU MARKET E ROAD,
KALIAMMAN KOIL STREET,
CHENNAI-600 107

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

5 THE OFFICER INCHARGE,
SUB JAIL, POONAMALLEE, CHENNAI

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

CRL OP.11721/2020

Date :07/08/2020

RVR 14/09/2020