

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.08.2020

CORAM :

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

Crl.O.P.No.11469 of 2020

Daniyel @ Nai Pallu Appu
S/o.Sundar

... Petitioner

Vs.

The State represented by its
Station House Officer
H8, Thiruvottriyur Police Station
Chennai
(Crime No.3564 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.3564 of 2020, pending investigation on the file of the Respondent Police.

For Petitioner : Mr.T.Arunkumar

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 02.07.2020 for the offences punishable under Section 341, 294(b) 323, 307 & 506(II) IPC, in Crime No.3564 of 2020, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused waylaid the defacto complainant and demanded rowdy mamool. When the same was refused by the defacto complainant, he threatened and assaulted him.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent since he has two previous cases before the respondent police, a false complaint has been registered against him. Even as per the complaint there is no injury to the defacto complainant. He would further submit that the petitioner had fractured his left hand and undergone surgery. The petitioner after surgery was transferred to Puzhal Jail.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner along with other accused waylaid the defacto complainant and threatened him with knife and demanded rowdy mamool. The petitioner has got two previous cases.

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 02.07.2020, 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) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the Judicial Magistrate, Thiruvottriyur, 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 everyday at 10.30 a.m. And 5.30 p.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/-

03/08/2020

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,
THIRUVOTTRIYUR

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

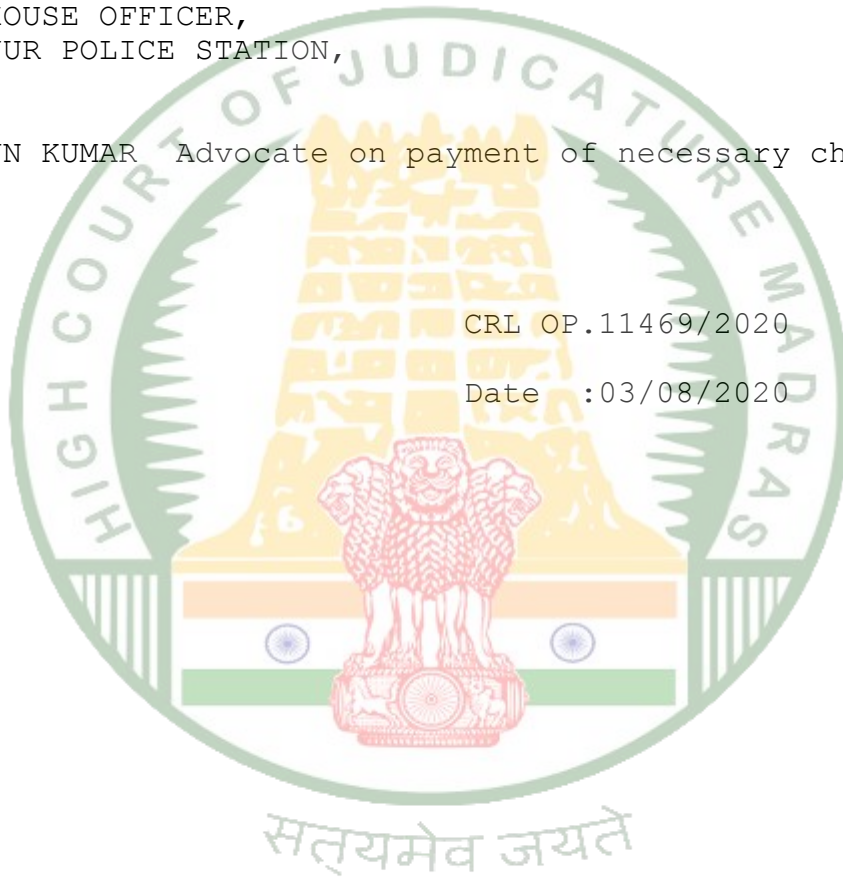
4 THE STATION HOUSE OFFICER,
H8, THIRUVOTTRIYUR POLICE STATION,
CHENNAI.

CC to T.ARUN KUMAR Advocate on payment of necessary charges

RD 01/09/2020

CRL OP.11469/2020

Date :03/08/2020



WEB COPY