

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.08.2020

CORAM :

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

Crl.O.P.No.11784 of 2020

Mr.P.S. Deivaraj
S/O. Subramaniam

... Petitioner

Vs.

The State Rep by
The Inspector of Police
Tiruchengode Town Police Station
Namakkal District.
(Crime No.824 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.824 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.M.Mani Maran

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 17.07.2020 for the offence punishable under Sections 294 (b), 323, 324 427,447 and 506(ii) of IPC and it was altered to Sections 147, 148, 294(b), 307,323,427,447 and 506(ii) of IPC, in Crime No.824 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant one Siva Sangar is that there was a Civil dispute between them for the past 10 years. While so on 28.06.2020 the petitioner along with his friends entered into the office of the defacto complainant and abused him with filthy language and assaulted him with Iron Rod. Hence a complaint was lodged by the defacto complainant.

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 based on the complaint given by the petitioner a case in counter in Crime No.11 of 2020 has been registered against the defacto complainant by the Anti Land Grabbing Cell. As a counter blast the present complaint has been given.

There is no overment for attempt to murder and originally the case

was registered for offence under Section 506(ii) of IPC and later on influence altered to one under Section 307 IPC. Further the alleged injured has now been discharged from the hospital. He would further submit that there is no previous case pending against the petitioner.

4.The learned Government Advocate (Criminal Side) would submit that there was a civil dispute between the petitioner and the defacto complainant due to which the petitioner along with his friends trespassed into the office of the defacto complainant and assaulted him with iron rod, due to which he sustained injuries. He would further submit that the injured has been discharged from the hospital and there is a case in counter in Crime No.11 of 2020 in respect of Land Grabbing, registered by Anti Land Grabbing Cell against the defacto complainant. Hence, he vehemently opposed to grant of bail to the petitioner.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsel and period of incarceration suffered by the petitioner, 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) each, 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) each, before the learned Judicial Magistrate, Tiruchengode, 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. 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
<https://hcservices.ecourts.gov.in/hcservices> 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 petitioner 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/-
04/08/2020

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,
TIRUCHENGODE

2 THE OFFICER INCHARGE
SUB-JAIL, TIRUCHENGODE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE, सत्यमेव जयते
TIRUCHENGODE TOWN POLICE STATION,
NAMAKKAL DISTRICT.

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

CRL OP.11784/2020

Date :04/08/2020

RD 28/08/2020