

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.08.2020

CORAM :

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

Crl.O.P.No.11720 of 2020

A.Thangamuthu S/o.Arasu

... Petitioner

Vs.

The State rep. by its
Inspector of Police
M5, Police Station-Ennore, Chennai-57
Tiruvallur District
(Crime No.1709 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.1709 of 2020 on the file of the Respondent Police.

For Petitioner : Mr.B.Chandran

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 16.06.2020 for the offences punishable under Section 147, 148, 294 (b), 341, 302 IPC, in Crime No.1709 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant one Siva is that since the deceased had questioned about the demand of mamool by the accused, the accused joined together and attacked the deceased indiscriminately with Aruval and knife, due to which, the deceased died on the spot after sustaining injuries on the face.

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 even as per the allegation the petitioner is only the driver of an auto rickshaw and he has not inflicted any injuries on the deceased and there is no previous cases against the petitioner. He would further submit that the petitioner is languishing in jail from 16.06.2020.

4.The learned Government Advocate (Crl. Side) would submit that due to previous enmity, the petitioner joined along with other accused and indiscriminately assaulted the deceased with Aruval resulting in

the death of the deceased on the spot. The petitioner had driven the auto rickshaw wherein the other accused have gone to the spot. He would further submit that there is no previous cases pending against this petitioner.

5. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels that this petitioner is only a driver of the auto rickshaw, 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, Thiruvottiyur, Chennai-19, 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 stay at Tiruvallur and report before the Tiruvallur Town Police Station daily at 10.30 a.m. and 5.30 p.m. until further orders. The petitioner shall not visit Ennore M-5 Police Station limits.

(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/-
06/08/2020

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,
THIRUVOTTIYUR

2 THE SUPERINTENDENT,
CENTRAL PRISON, -II, PUZHAI, CHENNAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE OFFICER INCHARGE
TIRUVALLUR TOWN POLICE STATION,
TIRUVALLUR

5 THE STATE REP.BY ITS
INSPECTOR OF POLICE, M5 POLICE STATION,
ENNORE, CHENNAI-57, TIRUVALLUR DISTRICT.CR.
NO.1709 OF 2020.

+1 CC to M/S.B.CHANDRAN Advocate on payment of necessary charges
sr No. 5882

CRL OP.11720/2020

Date :06/08/2020

RD 12/08/2020