

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.08.2020

CORAM :

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

Crl.O.P.No.12106 of 2020

M.Neelagandan

... Petitioner

Vs.

State by:

The Inspector of Police,
Manavalanagar Police Station,
Thiruvallur District.
(Crime No.1488 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.1488 of 2020 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.R.Sasikumar

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 11.07.2020 for the offences punishable under Section 147, 148, 341, 294(b), 323, 324, 307, 379 of IPC, in Crime No.1488 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 10.07.2020, due to previous enmity the petitioner along with some others, have abused the defacto complainant and assaulted him with beer bottles resulting in him sustaining injuries. The further allegation is that on the date of occurrence, the defacto complainant's jewels went missing. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case and would submit that co-accused in this case have already been granted bail by this Court in Crl.O.P.No.10852 of 2020, dated 27.07.2020 and the injured has been discharged from the hospital. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that due to previous enmity, the petitioner along with others, have abused the defacto complainant and assaulted him with beer bottles due to which, the defacto complainant sustained simple injuries. He would further submit that the injured has been discharged from the hospital. He would further submit that the defacto complainant's jewels also went missing on the day of occurrence. Investigation is pending. Hence, he opposed for grant of bail to the petitioner.

5.Taking into consideration of the facts and circumstances,the the submissions made by the learned counsels and the fact that the injured has been discharged from the hospital and the co-accused in this case have been granted bail by this Court, this Court is inclined to grant bail to the petitioner, subject to the following condition:

(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) each**, before the learned Judicial Magistrate No.II, Thiruvallur, **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 Aadhaar card or Bank pass Book to ensure their identity;

(d)**the petitioner shall report before the Respondent Police Station every day 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 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/-
13/08/2020

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 NO.II,
THIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR DISTRICT [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MANAVALANAGAR POLICE STATION,
THIRUVALLUR DISTRICT

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges SR.NO.5928

CRL OP.12106/2020

Date :13/08/2020