

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.08.2020

CORAM :

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

Crl.O.P.No.12085 of 2020

1.JAI @ JAYAKUMAR

2.KAMESH

... petitioners

Vs.

State By

Inspector of Police

T6-Avadi Police Station

Chennai

(Crime No.916 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.916 of 2020 on the file of the Inspector of Police, T6-Avadi Police Station, Chennai.

For Petitioners : Mr.S.Sasikumar

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

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 18.07.2020 for the offences punishable under Section 294(b), 323, 307, 506(2) IPC. in Crime No.916 of 2020, seek bail.

2.The case of the prosecution is that due to money dispute, the petitioners along with other accused attacked the defacto complainant with knife and wooden log,

3.The learned counsel appearing for the petitioners would submit that the defacto complainant had borrowed money from the 1st petitioner, when the petitioner asked him to return the money, there was scuffle, during which, quarrel arose between them. He would further submit that the petitioners have been falsely implicated since they are known to the main accused. He would further submit that there are no previous cases pending against these petitioners and the injured has been discharged from the hospital.

4.The learned Government Advocate (Crl. Side) would submit that due to financial dispute, the petitioners along with other accused have assaulted the defacto complainant with knife and wooden log, due to which, the victim sustained grievous injury. He would further submit that the injured has been discharged. The petitioners do not have any previous cases against them.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels, and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) Thereafter, the petitioners shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned Judicial Magistrate No.II, Poonamallee, **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 petitioners on their release from prison, shall report before the respondent police everyday at 10:30 a.m until further orders.**

(f) the petitioners shall not commit any offences of similar nature;

(g) the petitioners shall not abscond either during investigation or trial;

(h) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(i) 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];

(j) 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/-
19/08/2020

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,
POONAMALLEE.

2 THE JAILER,
SUB-JAIL,
KANCHEEPURAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T6, AVADI POLICE STATION,
CHENNAI.

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

CRL OP.12085/2020

Date :19/08/2020

MK:07/09/2020

WEB COPY