

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.12188 of 2020

S. Vikraman @ Vikram

... Petitioner

Vs.

State by:

... Respondent

The Inspector of Police,
E-5, Sholavaram Police Station,
Thiruvallore District.
(Crime No.2563 of 2020)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.2563 of 2020 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.J.Bharathiraja

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 14.06.2020 for the offences punishable under Section 147, 148, 341, 342, 353, 333, 294(b), 326, 307, 506(ii) of IPC, in Crime No.2563 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the *de facto* complainant viz., Raju, who is the Sub-Inspector of Police is that he got information that there was gambling and selling of liquor in Sholavaram Police Station limits, when the respondent police had gone to the Arumandai quarters and found that the accused had indulged in a gambling and when they attempted to apprehend them, the accused have abused the police party in filthy language and assaulted them with iron rod pipes, knives and wooden logs, resulting in two policemen sustaining fractures.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the petitioner is an elected president of Arumandai Village Panchayat and that he is aged about 28. He would further submit that since there was a rivalry in the

village, the petitioner was falsely implicated in this case. He would submit that co-accused in this case has already been granted bail by this Court in CrI.O.P.No.11737 of 2020 dated 04.08.2020 and that the petitioner has been suffering incarceration for the past 35 days. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (CrI. Side) would submit that the petitioner along with other accused had played gambling at the village, on information, the police party had gone to the village and tried to apprehend them and at that time the petitioner along with other accused have assaulted the police party, resulting in two police constables sustaining fractures and they were admitted in the Stanley Medical College Hospital and thereafter they were shifted to MIOT Hospital and later they have been discharged. He would further submit that the petitioner has got two previous case to his credit, one is for the offence of TNPPDL Act and another one is under Section 506(ii) of IPC. However, he objected the grant of bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and the fact that co-accused have been enlarged on bail and considering the period of incarceration undergone 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), 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, Ponneri, **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;

<https://hcservices.ecourts.gov.in/Bcservices/> (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,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-5, SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S. J.BHARATHIRAJA Advocate on payment of necessary charges SR.No 5930

CRL OP.12188/2020

Date :13/08/2020