

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.08.2020

CORAM :

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

Crl.O.P.No.12257 of 2020

D.Arumugam

... Petitioner

Vs.

The State
Represented by
The Inspector of Police
M-5, Ennore Police Station
Chennai
(Crime No.2345 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.2345 of 2020 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.R.Dinesh Kumar

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 27.06.2020 for the offence punishable under Sections 341, 294(b), 323, 307, 506(II) IPC, in Crime No.2345 of 2019, seeks bail.

2.The case of the prosecution is that the petitioner along with other accused persons way laid the defacto complainant, abused him in filthy language and assaulted him with knife and also threatened him with dire consequences.

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 the co-accused in this case has been granted bail by this Court. He would further submit that the petitioner was arrested on 27.06.2020 and is in judicial custody for more than 45 days.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner along with the other accused waylaid and assaulted the defacto complainant with knife due to which, the defacto complainant got injured in the left hand and head and admitted in Government Stanley Hospital and discharged only after 7 days. He would further submit that the petitioner is having 4 previous cases including one murder case wherein he was convicted and sentenced to undergo imprisonment was ordered. He has been released from the prison after 8 years. He would further submit that the petitioner is also having one NDPS case and another two property cases pending against him. Investigation is pending. He would further submit that this is the third bail application.

5.At this juncture the learned counsel for the petitioner would submit that he has been acquitted in the murder case.

6.Taking into consideration of the fact that the petitioner has been acquitted in the murder case and also considering the submissions made by the learned counsels and considering the 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), 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 Judicial Magistrate Court, Thiruvottiyur, **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 on coming out of prison report before the respondent police everyday 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 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/-

14/08/2020

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 COURT
THIRUVOTTIYUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
M-5, ENNORE POLICE STATION,
CHENNAI.

5 THE OFFICER INCHARGE
SUB-JAIL , THIRUVALLUR

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

CRL OP.12257/2020

Date :14/08/2020

TA-08/09/2020