

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.12534 of 2020

Udhaykumar

... Petitioner

Vs.

The State rep. by
Inspector of Police
Mathigiri Police Station
Krishnagiri District
(Crime No.409 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.409 of 2020 on the file of the Respondent Police.

For Petitioner : Mr.R.Thirumoorthy

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 27.07.2020 for the offences punishable under Section 294(b), 452, 307 IPC @ Sections 147, 148, 294(b), 457, 307 IPC, in Crime No.409 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant is that the petitioner and the other accused had driven the motor cycle in a rash and negligent manner, when the same was questioned by her husband, the petitioner trespassed into the house of the defacto complainant and assaulted him indiscriminately with knife and wooden log

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and they have falsely implicated him due to previous enmity. He would further submit that the petitioner had voluntarily surrendered before the learned Judicial Magistrate No.II, Hosur on 27.07.2020 and he is in custody for more than 24 days. He would further submit that some of the accused have been granted bail and some others have been granted anticipatory bail by this Court.

4.The learned Government Advocate (Crl. Side) would submit that since the defacto complainant's husband questioned the illegal activities of the petitioner, the petitioner along with other accused, assaulted him indiscriminately with deadly weapon,

due to which, the victim sustained grievous injuries. He would further submit that the injured has been discharged from the hospital.

5. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels, and also considering the fact that some of the co-accused have been granted bail and other accused have been granted anticipatory bail and also considering the fact that the petitioner himself surrendered before the learned Judicial Magistrate, Hosur, 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, out of which, one surety should be a blood surety,** before the learned Judicial Magistrate No.II, Hosur, **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 on his release from prison, shall stay at Dharmapurai and report before the Dharmapuri Town police Station 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

(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/-
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,
HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE JAILER,
SUB-JAIL, HOSUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MATHIGIRI POLICE STATION,
KRISHNAGIRI DISTRICT

6 THE OFFICER INCHARGE,
DHARMAPURI TOWN POLICE STATION,
DHARMAPURI.

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

CRL OP.12534/2020

Date :19/08/2020

MK:07/09/2020