

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.12286 of 2020

Bharath alias Bharathraj

... Petitioner

Vs.

State rep. by its
The Inspector of Police
Thooskanampakkam Police Station
Cuddalore Main Road
Thooskanampakkam
Cuddalore 607 402
(Crime No.34 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail relating to Crime No.34 of 2020 on the file of the Inspector of Police, Thooskanampakkam Police Station, Cuddalore District.

For Petitioner : Mr.N.U.Pressanna

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 06.07.2020 for the offences punishable under Section 147, 148, 294(b), 323, 324 and 506(ii) IPC which was subsequently altered into Section 147, 148, 294(b), 323, 324 and 506(ii) IPC and 302 IPC, in Crime No.34 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant one Janarthanan is that due to previous enmity on account of local body elections, the petitioner along with other accused had assaulted the defacto complainant and his brother with iron pipe and wooden logs, due to which, the brother of the defacto complainant passed away. Originally, a case was registered for the offence under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC, since the brother of the defacto complainant succumbed to death, it was subsequently altered to Section 147, 148, 294(b), 323, 324 and 506(ii) IPC and 302 IPC

3.The learned counsel appearing for the petitioner would submit that the petitioner is arraigned as A10 in this case and due to political motive his name has been falsely implicated in

this case. He would further submit that the co accused in this case have been enlarged on bail. He would further submit that the respondent police have completed the investigation and the final report has also been filed.

4.The learned Government Advocate (Crl. Side) would submit that due to enmity on account of local body elections, the petitioner along with other accused had assaulted the defacto complainant and his brother with iron pipe and wooden logs, due to which, the brother of the defacto complainant passed away. He would further submit that the investigation is completed and the final report has been filed and taken on file in P.R.C.No.20 of 2020, on the file of the learned Judicial Magistrate No.1, Cuddalore. He would further submit that the petitioner was arrested very recently on 06.07.2020.

5.Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels, and also considering the fact that co-accused in this case have been enlarged on bail and also the investigation is over, 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) Thereafter, the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned Judicial Magistrate No.I, Cuddalore, **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 report before the respondent police everyday at 5.30 p.m. and also report before the learned Judicial Magistrate No.1, Cuddalore, on the first working day of every month until further orders.**

(e)the petitioner shall not commit any offences of similar nature;

(f)the petitioner shall not abscond either during

(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/-
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.I,
CUDDALORE.

2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THOOKANAPAKKAM POLICE STATION,
CUDDALORE MAIN ROAD,
THOOKANAPAKKAM,
CUDDALORE DISTRICT-607 402

CC to M/S.N.U.PRESSANNA Advocate on payment of necessary charges

CRL OP.12286/2020

Date :19/08/2020

MK:07/09/2020

<https://hcservices.ecourts.gov.in/hcservices/>