

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2020

CORAM :

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

CrI.O.P.No.12634 of 2020

Sridhar, S/o.Moorthy

... Petitioner

Vs.

The State Rep. By
Inspector of Police, [L & O]
K.K.Nagar Police Station
K.K.Nagar, Chennai.
(Crime No.796 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.796 of 2020 on the file of the Inspector of Police [L & O], K.K.Nagar Police Station, K.K.Nagar, Chennai.

For Petitioner : Mr.A.Thirumaran
For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (CrI. 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 24.07.2019 for the offences punishable under Section 341, 294(b), 506(ii) IPC and Section 3 of TN Public Property [Prevention of Damage and Loss] At 1992 in Crime No.796 of 2020, seeks bail.

2. The case, as per the defacto complainant, Karthik is that due to previous enmity, the petitioner along with other accused abused him went inside the Amma Unavagam and had caused damage to the window glass in Amma Unavagam.

3.The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he has nothing to do with the offence.

4. The learned Government Advocate (CrI. Side) would submit that the petitioner along with other accused had abused the defacto complainant and caused damage to the window glass of the Amma Unavagam and the value of the damage is Rs.5000/-.

5. The learned counsel for the petitioner submitted that the petitioner is ready deposit the amount as directed by this Court,

without prejudice to his defence.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) and perused the FIR.

7. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels, and also considering the period of incarceration suffered by the petitioner from 24.07.2019, 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 (a) to make a payment a sum of Rs.5,000/- (Rupees five Thousand only) to the Commissioner, Chennai Corporation either by way of cash or by way of Demand Draft and the said amount shall be used by the Commissioner for Amma Unavagam and produce the receipt of the same and on such production of proof he shall be released on bail on condition to execute a 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; 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 within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and 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 XXIII Metropolitan Magistrate, Saidapet, Chennai, 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 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;

(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

(i) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-
21/08/2020

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 METROPOLITAN MAGISTRATE,
NO.XXIII, SAIDAPET, CHENNAI

2 THE OFFICER INCHARGE
SUB-JAIL, CHNEGALPET

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
R-7, KK NAGAR POLICE STATION,
KK NAGAR, CHENNAI.

CC to A.THIRUMARAN Advocate on payment of necessary charges

CRL OP.12634/2020

Date : 21/08/2020

RD 04/09/2020

WEB COPY