

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 12935 of 2020

Palani, M/40 years,
S/o.Thanthoni,
Peruvalaiyam Village,
Nemili Taluk,
Ranipet District,
Vellore District (previously). ... Petitioner/Accused

Vs.

The State represented by,
The Sub-Inspector of Police,
Nemili Police Station.
(Crime No. 381 of 2020) ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 381 of 2020, pending investigation on the file of the respondent police.

For Petitioner : Mr.V.Arul

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 09.08.2020 for the offences punishable under Sections 294 (b), 452, 324, 307 and 506(ii) of IPC in Crime No. 381 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution is that the defacto complainant viz., Kumar, who is the Panchayat Secretary in AIADMK and doing real estate business. While so, on 09.08.2020, early morning at 03.00 a.m., the petitioner came to the house of the defacto complainant and asked him to give a sum of Rs.5,00,000/- for which, the defacto complainant has instructed him to come later but the petitioner has furiously reacted and assaulted him with knife and caused grievous

injuries and when it was resisted by the wife of the defacto complainant, she was also assaulted. Hence, the complainant.

3 The learned counsel for the petitioner would submit that the petitioner is an innocent person due to political motive, a false case has been registered against him and he has not committed any offence as alleged by the prosecution. Therefore, he prays for grant of bail to the petitioner.

4 The learned Additional Public Prosecutor would submit that the first accused had entered into the house of the defacto complainant demanded loan of Rs.5 lakhs and the same was refused by the defacto complainant, the petitioner has assaulted him with knife. He would further submit that the injured has been discharged from the hospital and that there is no previous case pending against the petitioner. However, he oppose to grant bail to the petitioner.

5 Taking into consideration of the facts and circumstance of this case and also considering the fact that the petitioner is in jail from 09.08.2020, 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 executing 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 15 days from the date of lifting of the lock down or the commencement of the Court's normal functioning or which ever is earlier and execute two sureties, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate, Arakkonam, 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 shall on release from prison, report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter every Monday 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 Petitioner 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/-

24/08/2020

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,
ARAKKONAM

2 THE OFFICER INCHARGE
SUB-JAIL, ARAKKONAM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUB-INSPECTOR OF POLICE,
NEMILI POLICE STATION.

CC to M/S. V.ARUL Advocate on payment of necessary charges

CRL OP.12935/2020

Date :24/08/2020

RD 04/09/2020