

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.12788 of 2020

Mr.V. Murali
S/o.Venkatraj

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Hosur Town Police Station,
Krishnagiri District.
Crime No.814 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.814 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.K.Prabakar
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 01.08.2020 for the offences punishable under Section 307 of IPC, in Crime No.814 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant namely Muniyappan is that the petitioner called his son over phone through a lady and had taken him to a secluded place and they attempted to abduct him and assaulted him with knife. Due to which, the petitioner's son was injured in his neck.

3. The learned counsel for the petitioner would submit that the defacto complainant is the paternal uncle of the petitioner and there was a dispute between the petitioner's family and the defacto complainant family with regard to a property and thereby a false complaint has been given against the petitioner. The learned counsel for the petitioner would further submitted that the injured person has been discharged from the hospital.

petitioner is the brother son of the defacto complainant. The petitioner along with other accused person called the son of defacto complainant over phone through a lady and taken him to a secluded place and assaulted him with a knife, due to which, the defacto complainant's son was injured. He would submit that the injured has been discharged. He would further submitted that one previous case is pending against the petitioner.

5. The learned counsel for the petitioner submitted that the petitioner is only aged about 18 years.

6. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsel and the age of the petitioner and the period of incarceration, 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 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 out of which one should be a local surety, for a sum of Rs.5,000/- (Rupees five thousand only), before the learned Judicial Magistrate No.II, Hosur, 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 stay at Uthangarai and report before the Uthangarai Police Station daily at 10.30a.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.

7. 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 JUDICIAL MAGISTRATE,
NO.II, HOSUR

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
HOSUR TOWN POLICE,
KRISHNAGIRI DISTRICT.

5 THE OFFICER INCHARGE
UTHANGARAI POLICE STATION
UTHANGARAI

CC to M/S.M.P.SARAVANAN Advocate on payment of necessary charges

WEB COPY

CRL OP.12788/2020

Date :21/08/2020

RD 04/09/2020