

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.12479 of 2020

SATHISH KUMAR @ SATHISH
S/o.Chakkaravarthy

... Petitioner

Vs.

The State rep. by
Inspector of Police
Vickramangalam Police Station
Ariyalur District
(Crime No.316 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.316 of 2020 on the file of the Respondent.

For Petitioner : Mr.T.Muruganantham

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 03.07.2020 for the offences punishable under Section 341, 294(b), 332, 307, and 506(1) IPC, in Crime No.316 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant one Manivannan is that he is working as a Special Superintendent of Police in Thuthur Police Station and that he has registered a case against A1 and his mother and his mother in Crime No.241 of 2020. Enraged by the same, on 03.07.2020, while the defacto complainant was proceeding towards his office, the petitioner along with other accused waylaid him and assaulted with hands and stones resulting in him sustaining injuries.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that this is the 2nd bail application. The petitioner is in custody from 03.07.2020. He would further submit that the major part of the investigation is over and the defacto complainant has also been discharged from the hospital

much earlier.

4.The learned Government Advocate (Crl. Side) would submit that the defacto complainant is the Special Sub Inspector of Police in Thuthur Police Station, since he has registered a case against A1, the petitioner along with other accused waylaid the defacto complainant while he was proceeding to his office and hurled stones at him and abused him with filthy language. He would further submit that the petitioner is in custody from 03.07.2020

5.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 03.07.2020, 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 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 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), before the learned Judicial Magistrate No.1, Jayamkondam, 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. for a period of two weeks and thereafter on 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 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/-
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.I, JAYAMKONDAM

2 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY

3 THE OFFICER INCHARGE
SUB-JAIL, JAYAMKONDAM

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VICKRAMANGALAM POLICE STATION,
ARIYALUR DISTRICT,

CC to M/S. T.MURUGANANTHAM Advocate on payment of necessary charges

WEB COPY

CRL OP.12479/2020

Date :21/08/2020

RD 04/09/2020