

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.08.2020

CORAM :

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

Crl.O.P.No.12999 of 2020

V.PRABHU

... Petitioner

Vs.

State rep by
Inspector of Police
K8,Arumbakkam Police Station
Arumbakkam Chennai
(Crime No.902 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.902 of 2020, pending on the file of K8, Arumbakkam Police Station, Arumbakkam at Chennai.

For Petitioner : Mr.C.Ganesh Pandian

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 17.07.2020 for the offences punishable under Section 147, 148, 341, 294(b), 336. 324, 307 and 506(II) IPC, in Crime No.902 of 2020, seeks bail.

2.The case of the prosecution is that there was a dispute between two groups of friends. On 16.07.2020 when the defacto complaint asked the petitioner to return his bike key, quarrel arose between them, due to which, the petitioner along with other accused assaulted the defacto complainant and his friend with knife, resulting in them sustaining serious injuries.

3.The learned Counsel for the petitioner would submit that the petitioner is innocent and the defacto complainant and his friend had taken away the bike key belonging to the friend of the petitioner and when they asked to return the key, the said incident took place.

He would further submit that it is a case in counter. The complaint of the petitioner has been registered in Crime No.904 of 2020 against the defacto complainant for the offences under Section 386 and 307 IPC.

4.The learned Government Advocate (Criminal Side) would submit that due to taking of bike key, there was a quarrel between the two group of friends, due to which, the petitioner along with other accused assaulted the defacto complainant with knife and caused injuries. He would further submit that the injured has been discharged from the hospital.

5.Heard both sides. Perused F.I.R.

6.Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels and also the period of incarceration suffered by the petitioner, 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 for a sum of Rs.10,000/- (Rupees ten thousand only)**, before the learned V Metropolitan Magistrate at Egmore, 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 stay at Vellore and report before the Sathvachari Police Station everyday at 10.30 a.m. and 5.30 p.m. for a period of two weeks and thereafter before the respondent police at 10.30 a.m. until further orders. The petitioner shall not enter into the jurisdictional limits of the respondent police.**

(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/-
25/08/2020

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 V METROPOLITAN MAGISTRATE,
EGMORE.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE [FORINFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
K-8 ARUMBAKKAM POLICE STATION,
CHENNAI-106

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

6 THE OFFICER INCHARGE,
SUB JAIL, KANCHEEPURAM.

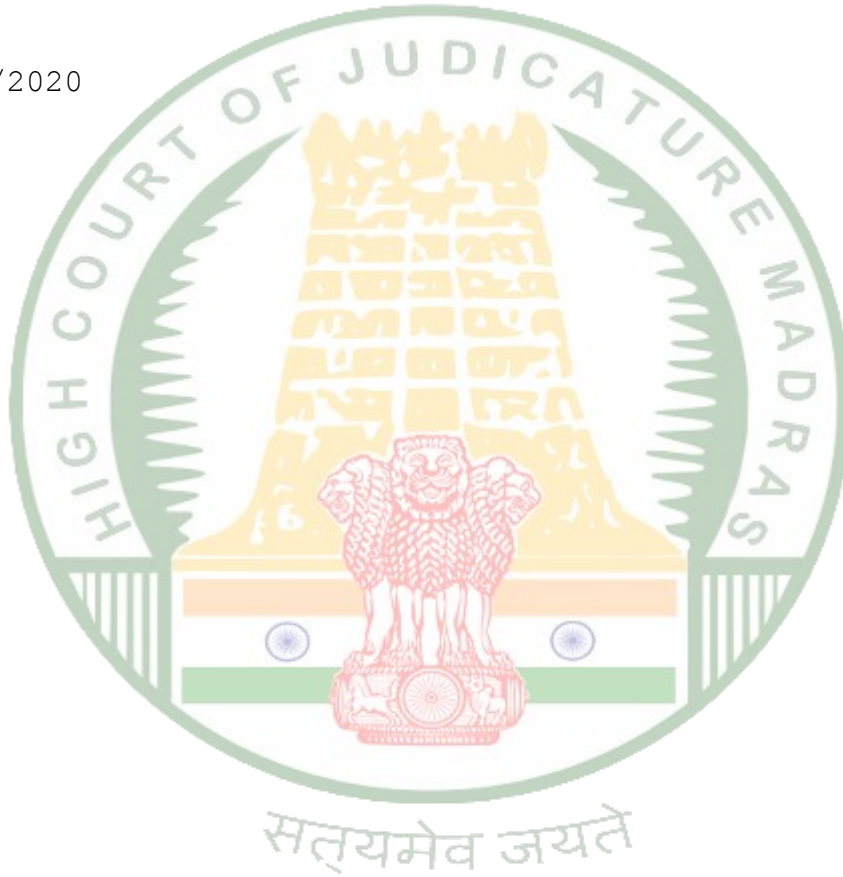
7 THE OFFICER INCHARGE,
SATHVACHARI POLICE STATION,
VELLORE.

CC to M/S.C.GANESH PANDIAN Advocate on payment of necessary
charges

CRL OP.12999/2020

Date :25/08/2020

MN(CS) -07/09/2020



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