

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.08.2020

CORAM :

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

Crl.O.P.No.13178 of 2020

K.Saravanan

... Petitioner

Vs.

The State

Rep. by the Inspector of Police
Muthupettai Police Station
Thiruvavarur District
(Crime No.2201 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner in Crime No.2201 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Kasirajan

For Respondent : Mr.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 02.08.2020 for the offence punishable under Sections 294(b), 324 and 307 IPC, in Crime No.2201 of 2008, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner demanded money for purchasing liquor and when the uncle of the defacto complainant refused to give money, the petitioner quarrelled with his uncle and assaulted him with a broken beer bottle, resulting in his uncle sustaining injuries on his neck and head.

3. The learned counsel appearing for the petitioner would submit that the petitioner when he was in drunken mood had committed the said offence and he had no intention to cause injury to the victim. He would further submit that the petitioner is in custody from 02.08.2020 and there is no previous case pending against the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner had demanded money from the uncle of the defacto complainant for purchasing liquor, when the same was refused by him, during the quarrel, he has assaulted his uncle sustaining injuries on his neck and

head. He would further submit that the injured has been discharged from the hospital and there is no previous case pending against the petitioner.

5. Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels and also the fact that the injured has been discharged and there is no previous case pending against 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) each, 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**, before the Judicial Magistrate's Court, Thiruthuraipoondi, 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 report before the respondent police daily at 10.30 a.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 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/-
28/08/2020

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 COURT,
THIRUTHURAIPOONDI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR DISTRICT [FOR INFORMATION]

3 THE JAILOR,
SUB JAIL, THIRUTHURAIPOONDI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MUTHUPETTAI POLICE STATION,
THIRUVARUR DISTRICT.

+1 CC to M/S. S.KASIRAJAN Advocate on payment of necessary charges SR.NO.6080

CRL OP.13178/2020

Date :28/08/2020

GKS:02/09/2020