

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.08.2020

CORAM :

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

Crl.O.P.No.13077 of 2020

A.Anbalagan

... Petitioner

Vs.

The State rep by the Inspector of Police
Avadi Tank Factory Police Station
Avadi, Thiruvallur District
(Crime No.436 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.436 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Ganesh

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 18.07.2020, for the offences punishable under Section 294(b), 323 and 302 IPC, in Crime No.436 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant is that the petitioner and the defacto complainant are neighbours and that on the previous day of the occurrence, due to previous enmity, there was a fight, and during the scuffle, the petitioner fisted the deceased, due to which, the husband of the defacto complainant fell down and died.

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 the defacto complainant and the petitioner are neighbours and on the date of occurrence, during the quarrel, there was a scuffle, due to which, the husband of the defacto complainant fell down and died and due to previous enmity, a false complaint has been given as if the petitioner assaulted him. He would further submit that even as per the averment in the complaint, no weapon was used and the incident took place during the

4.The learned Government Advocate (Crl. Side) would submit that the defacto complainant's family and the petitioner's family are neighbours, due to quarrel between, there was a scuffle and the petitioner fisted the husband of the defacto complainant and also kicked him, due to which, he fell down and succumbed to injuries. He would further submit that the investigation is pending.

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, 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) each, out of which, one surety should be a blood surety, before the learned Judicial Magistrate, Ambattur, Thiruvallur District, 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 q.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/-
27/08/2020

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,
AMBATTUR, THIRUVALLUR DISTRICT.

2 THE OFFICER INCHARGE,
DISTRICT PRISON, KANCHEEPURAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AVADI TANK FACTORY POLICE STATION,
AVADI, THIRUVALLUR DISTRICT.

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

CRL OP.13077/2020

Date :27/08/2020

cs 08/09/2020