

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE **M.NIRMAL KUMAR**

CRL.O.P.No.13121 of 2020

Jegan,
S/o.Periyasamy

.. Petitioner/Sole Accused

/versus/

The State rep by,
The Inspector of Police,
Dusi, Police Station,
Tiruvannamalai District
Crime No.1005 of 2020

.. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail in Crime No.1055 of 2020 on the file of the respondent Police.

For Petitioner : Mr.U.Yuvaraj

For Respondent : Mr.C.Iyyappa Raj

Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 26.05.2020 for the offence punishable under Sections 294(b), 333, 307 of IPC, and Section 3 of TNPPDL Act, 1992 in Crime No.1005 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 26.05.2020, the defacto complainant named Iyappan, who is a Police Constable lodged a complaint before the respondent stating that on 26.05.2020, near Mahajanapakkam Tasmac shop, the petitioner who is under influence of alcohol picked up a quarrel with the public at that time the defacto complainant advised him to stand in the queue, suddenly the petitioner attacked the defacto complainant with brandy bottles in which the complainant sustained injuries and also damaged the two wheeler of the complainant. Hence the Complaint.

3. The learned counsel for the petitioner submitted that based on the solitary incident the respondent Police had recommended the District Collector to invoke Act 14 of 1982 against the petitioner. Upon such recommendation the petitioner was detained under Act 14 of 1982 branded as “GOONDA” and subsequently the said detention order has been revoked by the advisory board in G.O.Rt. No.3279 by the order dated 07.08.2020. He would further submit that the petitioner has no bad antecedent and he is nothing to do with the alleged offence. The petitioner is the only breadwinner of his family and he is ready to abide any condition that may be imposed on him and he is also ready to furnish sufficient solvent sureties. Therefore, he prayed for grant of bail for the petitioner.

4. The learned Additional Public Prosecutor would submit that the on 26.05.2020, near Mahajanapakkam Tasmac shop, the petitioner who is under the influence of alcohol picked up a quarrel with the public. The defacto complainant, who is a Police Constable advised him to stand in the queue, suddenly the petitioner attacked the defacto complainant with brandy bottle. Due to the same, the defacto complainant sustained grievous head injuries and admitted in hospital. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the rival submissions, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) the petitioner is ordered to be released on bail on executing 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 on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the concerned Magistrate within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, 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 as and when required for interrogation.

(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.

28.08.2020

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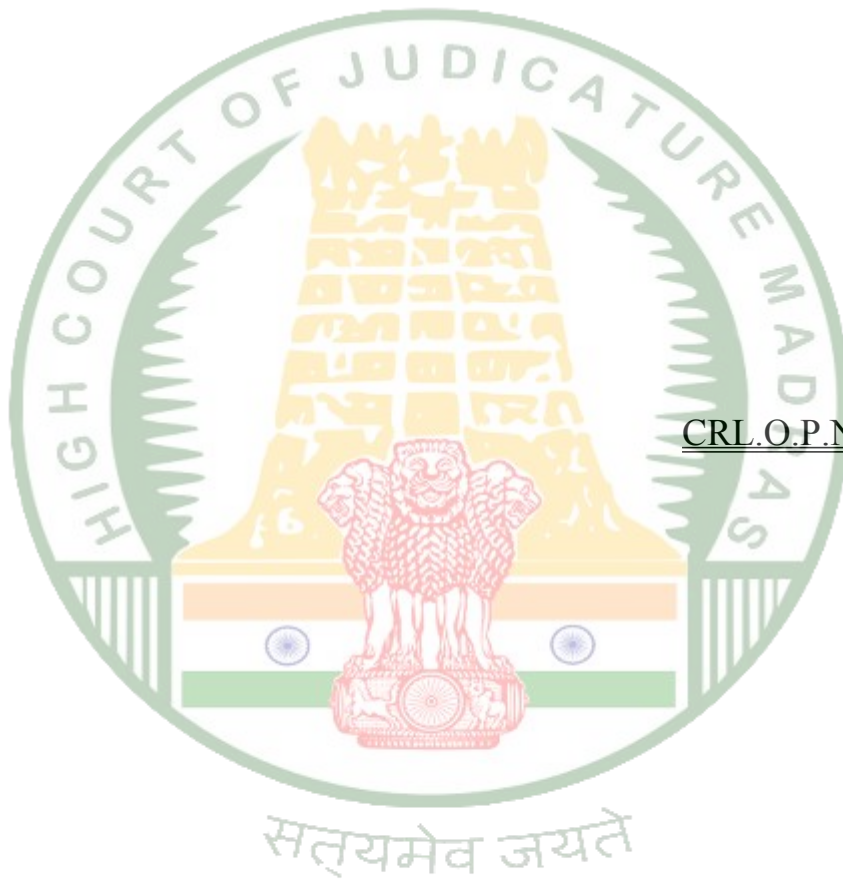
To

- 1.The Judicial Magistrate,
Cheyyar.
- 2.The Superintendent, Central Prison,
Vellore
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.
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