

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 13243 of 2020

S.Karthick

... Petitioner/3<sup>rd</sup> Accused

Vs.

The State represented by,  
The Inspector of Police,  
K-3 Aminjikarai Police Station,  
Chennai - 600 029.  
(Crime No. 937 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.937 of 2020, on the file of the respondent police.

For Petitioner : Mr.R.Thanjan

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 25.07.2020 for the offences punishable under Sections 147, 148, 294(b), 324, 307 and 506(2) of IPC in Crime No. 937 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant Nandhakumar is that on 25.07.2020 while he was playing along with his friends at the Koovam river, at that time, the petitioner along with other accused had picked up a quarrel with them and assaulted the victim with knife and thereby, he has sustained injuries. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and due to previous enmity, he has been falsely implicated in this case. He would submit that as far as the other accused viz., A1 & A2 are concerned, they have been enlarged on bail by the learned Sessions Court since they do not have any previous cases. He would submit that there are two previous cases pending against the petitioner out of which one is for the offence under Section 324 of IPC and another is for the offence under Section 75 of City Police Act. He would submit that petitioner is in custody for almost a month and that the victim has been discharged from the hospital. Therefore, he prays to grant bail to the petitioner.

4 The learned Government Advocate (CrI.Sie) appearing for the respondent would submit on the occurrence day, the defacto complainant and the accused were playing near coovam river, and during that time wordy quarrel arose between them and then all the accused have assaulted the injured. He would submit that the injured has been discharged from the hospital and that there are two previous cases pending against the petitioner. Hence, he opposed to grant bail to the petitioner.

5 Taking into consideration of the facts and circumstance of this case and also considering the fact that the petitioner is in jail from 25.07.2020, 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 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 and thereafter on his release;

(b) the petitioner shall execute two sureties, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned V M.M. Court at Egmore, Chennai - 08, within 15 days from the date of lifting of the lock down or the commencement of the Court's normal functioning or which ever is earlier, 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 respondent police everyday at 10.30 a.m. and 05.30 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/-

31/08/2020

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 V METROPOLITAN MAGISTRATE  
COURT, EGMORE, CHENNAI -08.

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
K-3 AMINJIKARAI POLICE STATION,  
CHENNAI - 600 029.

4 THE SUPERINTENDENT,  
CENTRAL JAIL, PUZHAL,  
CHENNAI

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

CRL OP.13243/2020

सत्यमेव जयते Date :31/08/2020

RVR 10/09/2020

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