

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.09.2020

CORAM :

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

Crl.O.P.No.13315 of 2020

Venkatesan @ Pri Venkatesan

... Petitioner

-Vs.-

State Rep. by

... Respondent

The Inspector of Police,
Peerankarani Police Station,
Kanchipuram District.
(Crime No.781 of 2020)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.781 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.D.Magesh

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 04.06.2020 for the offence punishable under Sections 294 (b), 341, 506(ii) and 307 of IPC, in Crime No.781 of 2020, seeks bail.

2. The case of the prosecution as per the *de facto* complainant one Vijayapandi is that he is working under one Saravanan, who is the supplier in a TASMAL Bar. The petitioner along with the other accused demanded liquor during the lockdown period. When the *de facto* complainant refused to provide the same, the petitioner along with the other accused have waylaid and assaulted the said Saravanan/victim indiscriminately with machetes, due to which, the victim's jaw has been dislocated.

3. The learned counsel for the petitioner would submit that this is the second bail application. The earlier application for bail was dismissed on 27.07.2020 in Crl.O.P.No.11088 of 2020. He would submit that the petitioner was arrested on 04.06.2020,

despite the lapse of 90 days, the respondent has not completed the investigation and filed the final report and thereby, the petitioner is entitled for grant of statutory bail under Section 167(2) Cr.P.C.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioner is the notorious rowdy element and on 31.05.2020, during the lockdown period, the petitioner along with two other accused demanded liquor from the *de facto* complainant, who is working under one Saravanan, who is running a TASMAR Bar. When the *de facto* complainant refused, the petitioner along with other accused assaulted the victim indiscriminately with machete, resulting in the said Saravanan sustaining serious injury in the jaw and his jaw was dislocated. He would submit that the petitioner has got 6 previous cases, out of which, one is for the offence under Section 302 IPC, one is for the offence under Section 307 IPC and the other cases are for the offence under Section 397 IPC and all the cases are pending trial. He would submit that the final report has not been filed so far.

5. Taking into consideration the facts and circumstances of the case and that the final report has not been filed so far and 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) 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, execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the learned Judicial Magistrate-I, Tambaram, 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 everyday 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. This Criminal Original Petition is ordered with the above directions.

-sd/-

02/09/2020

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-I,
TAMBARAM,

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PEERKANKARANI POLICE STATION,
KANCHIPURAM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

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

CRL OP.13315/2020

Date :02/09/2020

TA-09/09/2020