

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.09.2020

CORAM :

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

Crl.O.P.No.13816 of 2020

Amulraj @ Amul

... Petitioner

-Vs.-

State Rep. by

The Inspector of Police,
Peerankaran Police Station,
Kanchipuram District.
(Crime No.781 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.781 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.A.Saranraj

For Respondent : Mr.T.Shanmugarajeswaran
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 07.06.2020 for the offences punishable under Section 294(b), 341, 506(2) 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 TASMAR 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 third bail application. The second bail application was dismissed on 14.08.2020 in Crl.O.P.No.12259 of 2020. He would further submit that though they say that the petitioner has involved in several cases, the petitioner was arrested on 07.06.2020, despite

the lapse of 90 days, the respondent has not filed the final report. He would further submit that the co-accused in this case has been granted bail by this Court on 02.09.2020 in CrI.O.P.No.13315 of 2020.

4.The learned Government Advocate (CrI. 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 TASMAL 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 further submit that the petitioner has several previous cases 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 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) 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/-

07/09/2020

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,
NO.I, TAMBARAM.

2 THE SUPERINTENDENT,
CENTRAL PRISON,
PUZHAL, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

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

CRL OP.13816/2020

Date :07/09/2020

cs 10/09/2020