

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.13820 of 2020

Gokulnath S/o.Mathiyazhan

... Petitioner

Vs.

State rep. by its

The Inspector of Police

Thalayamangalam Police Station

Tiruvavarur District

(Crime No.457 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner in Crime No.457 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondent : Mr.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 13.08.2020 for the offences punishable under Section 294 (b), 324, 506(ii) IPC altered to 294(b), 324, 341 and 307 IPC, in Crime No.457 of 2020, seeks bail.

2.The case of the prosecution is that on 10.08.2020, due to political motive, the petitioner along with the other accused assaulted the defacto complainant with wooden log on his head and inflicted injuries.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case on account of political rivalry. He would further submit that there are no previous cases against the petitioner and the petitioner is in custody from 13.08.2020.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner along with the other accused due to election motive had assaulted the defacto complainant with wooden log and inflicted injuries. He would further submit that the victim has been discharged from the hospital.

considering the submissions made by the learned counsels and also considering the fact that the victim has been discharged from the hospital 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) each, 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, execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate No.II, Mannargudi, 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 a.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/-

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.II, MANNARGUDI

2 THE OFFICER INCHARGE
SUB-JAIL, NANNILAM, THIRUVARUR DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THALAYAMANGALAM POLICE STATION,
THIRUVARUR DISTRICT.

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

CRL OP.13820/2020

Date :07/09/2020

RD 10/09/2020



WEB COPY