

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.09.2020

CORAM :

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

CRL.O.P.No.13894 of 2020

S.Rubber @ Vinoth @ Vinothkumar

... Petitioner

Vs.

The Inspector of Police,
Kannankurichi Police Station,
Salem District.
(Crime No.866 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner/accused on bail in Crime No.866 of 2020 on the file of the respondent police.

For Petitioner : Mr.T.Balachandran

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 04.08.2020 for the offence punishable under **Sections 147, 148, 341, 294(b), 323, 324, 307 and 506(ii) of IPC, in Crime No.866 of 2020**, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused waylaid the defacto complainant and his friend and attacked them with knife and wooden log and also threatened them with dire consequences.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the alleged victims i.e. the defacto complainant and his friend who are stated to have been injured in the incident have been discharged from the hospital. He would further submit that the petitioner is in custody from 04.08.2020.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner has involved in two previous cases registered in Crime No.361 of 2014 for the offences punishable under Section 294(b), 323, 324 IPC and in Crime No.75 of 2019 for the offences punishable under Section 147, 148, 307 & 506(ii), pending trial. He would further submit that though the victims have been discharged from the hospital, the co-accused are still at large. He would further submit that this is the second bail application, his earlier bail application in CrI.O.P.No.13018 of 2020 was dismissed by this Court on 26.08.2020. He would further submit that the petitioner was arrested on 04.08.2020.

5. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels 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;

(b) Thereafter, the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only) each** with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate-IV, Salem, Salem District, within a period of two weeks from the date of commencement of the Court's normal functioning**, 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. 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. With the above directions, this Criminal Original Petition is ordered.

-sd/-
21/09/2020

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.IV,
SALEM, SALEM DISTRICT

2 THE SUPERINTENDENT, CENTRAL PRISON, SALEM

3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
KANNANKURICHI POLICE STATION, SALEM DISTRICT

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

CRL OP.13894/2020

Date :21/09/2020

GKS:23/09/2020