IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.09.2020

CORAM :

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

Crl.O.P.No.13800 of 2020

1.Madan ... Petitioners
2.Rajesh @ Rajasekar

Vs.

The State represented by its ... Respondent
The Inspector of Police
Muthapudupet Police Station
Chennai 600 062.
(Crime No.403 of 2020)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail as against the case pending on the file of the respondent police in Crime No.403 of 2020.

For Petitioners : Mr.T.Arun Kumar

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

ORDER

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 27.07.2020 for the offences punishable under **Sections 294 (b), 324, 307, 506(ii) IPC, in Crime No.403 of 2020,** on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant one Ajay is that on 26.07.2020 the petitioners along with other accused persons abused him in filthy language and threatened him with dire consequences and also assaulted him with knife over the head and other parts of the body.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that even as per the F.I.R. there was a quarrel and the defacto complainant had abused the petitioners and also assaulted one of the accused viz. Lawrence and there was a previous enmity between them. While so, he had come to the place where the petitioners were consuming liquor and the incident took place when all of them were consuming liquor. He would

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further submit that the petitioners are prepared to abide by any stringent conditions that to be imposed on them by this Court. He would further submit that the co-accused in this case has been granted bail by this Court.

4.The learned Government Advocate (Criminal Side) would submit that the petitioners are notorious persons and that though the accused and the defacto complainant are known to each other, on the fateful day, the accused had assaulted the defacto complainant with knife resulting in him sustaining injuries on the head and the ring finger. He would further submit that the 1st petitioner is having four previous cases and the 2nd petitioner is having six previous cases.

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 petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b)the petitioners shall **within a period of two weeks from the date of commencement of the Court's normal functioning,** execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each,** for a likesum to the satisfaction of the learned Judicial Magistrate, Ambattur, 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 petitioners on their release from prison, shall stay at Villupuram and report before the Villupuram Town Police Station everyday at 10.30 a.m. and 5.30 p.m. until further orders. The petitioners shall not enter into the jurisdictional limits of the respondent police.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners 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

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action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
09/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MUTHAPUDUPET POLICE STATION,
CHENNAI-62.

5 THE JAILER
CHENGALPET SUB JAIL.

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

CRL OP.13800/2020

Date :09/09/2020

TA-14/09/2020

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