

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.09.2020

CORAM :

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

Crl.O.P.No.13908 of 2020

Selvam

... Petitioner

Vs.

State rep. by
Inspector of Police
Sevvapet Police Station
Thiruvallur District.
Crime No.1943 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail as against the case pending on the file of the respondent police in Crime No.1943 of 2020.

For Petitioner : Mr. R. Sasikumar

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 19.08.2020 for the offence punishable under Sections 447, 448, 294(b), 323, 324, 506(ii) and Section 307 IPC, in Crime No.1943 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant one Vijay is that A1 in this case one Arun harassed his sister and when the same was questioned by him, the petitioner along with his associates waylaid him on 17.08.2020 and assaulted him with a wooden log.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent. He would further submit that A1 / Arun and the sister of the defacto complainant had love affair and since the petitioner happened to be his friend, he has been falsely implicated in this case. He would further submit that except A5 and A6 all the other accused have been arrested and the petitioner is in judicial custody from 19.08.2020 and prepared to abide by any stringent conditions that may be imposed by this Court.

4.The learned Government Advocate (Criminal Side) would submit that the petitioner is a friend of one Arun / A1, who had harassed the sister of the defacto complainant. When the same was questioned

by the defacto complainant, at the instigation of this petitioner, they have assaulted the defacto complainant with wooden log. He would further submit that the petitioner has been discharged from the hospital. He would further submit that there is no previous case against the petitioner.

6. Taking into consideration of the facts and circumstances and 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) before the Superintendent of the concerned prison, in which the petitioner has been confined;

(b) the petitioner 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 No.II, Thiruvallur, 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 stay at Kancheepuram and report before the Kanchi Taluk Police Station 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/-

08/09/2020

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, THIRUVALLUR DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
SEVVAPET POLICE STATION,
THIRUVALLUR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, POONAMALLEE

5 THE OFFICER INCHARGE,
KANCHI TALUK POLICE STATION,
KANCHEEPURAM

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

CRL OP.13908/2020

Date :08/09/2020

RVR 11/09/2020