

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2020

CORAM

THE HONOURABLE MR. JUSTICE **A. D. JAGADISH CHANDIRA**

CRL.O.P.No.13983 of 2020

1.D.Sivakumar
S/o.Devaraj

2.Sagaya Daniel @ Daniel,
S/o.Prakash

... Petitioners

Vs.

The State
The Inspector of Police,
H-8, Thiruvottiyur Police Station,
Thiruvottiyur, Chennai.
(Crime No.4943 of 2020)

...Respondent /Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail pending investigation in Crime No.4943 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Ponnivalavan

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

ORDER

(This case has been heard through video conference)

The petitioner, who was arrested and remanded to the Judicial Custody on 27.07.2020, for the offence punishable under Sections 341, 294(b), 324, 307, 506(ii) of IPC, 1860 in Crime No. 4943 of 2020, on the file of the respondent police seeks bail.

2.The case of the prosecution is that due to previous enmity, the petitioners have threatened the defacto complainant and assaulted him and his friend with knife, due to which, the defacto complainant sustained injuries on the head and the hands..

3.The learned counsel appearing for the petitioners would submit that the defacto complainant is a history sheeter and he attempted to assault the petitioners. He would further submit that the incident had happened when the petitioners attempted to defend themselves from the attack of the defacto complainant. He would further submit that this is the 2nd bail application and the earlier bail application was dismissed by this

Court vide order dated 20.08.2020 in CrI.O.P.No.12713 of 2020 and that the petitioners are in custody for more than 48 days.

4.The learned Government Advocate (CrI. Side) would submit that the petitioners are history sheeters and rowdy elements. They have threatened the defacto complainant and attacked him and his friend with knife and caused injuries. He would further submit the petitioners have two previous cases against them and the investigation is pending.

5.Taking into consideration of the facts and submissions made by the learned counsels and also considering the incarceration suffered by the petitioners from 27.07.2020, 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 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**, Thiruvottiyur, Chennai. and on further further conditions that;

(b) 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;

(c) the petitioners shall report before the respondent police every day at 10.30 a.m., and 05.30 p.m., until further orders.

(d) the petitioners shall not commit any offences of similar nature;

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

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate 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];

(h) 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.**

15.09.2020

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To

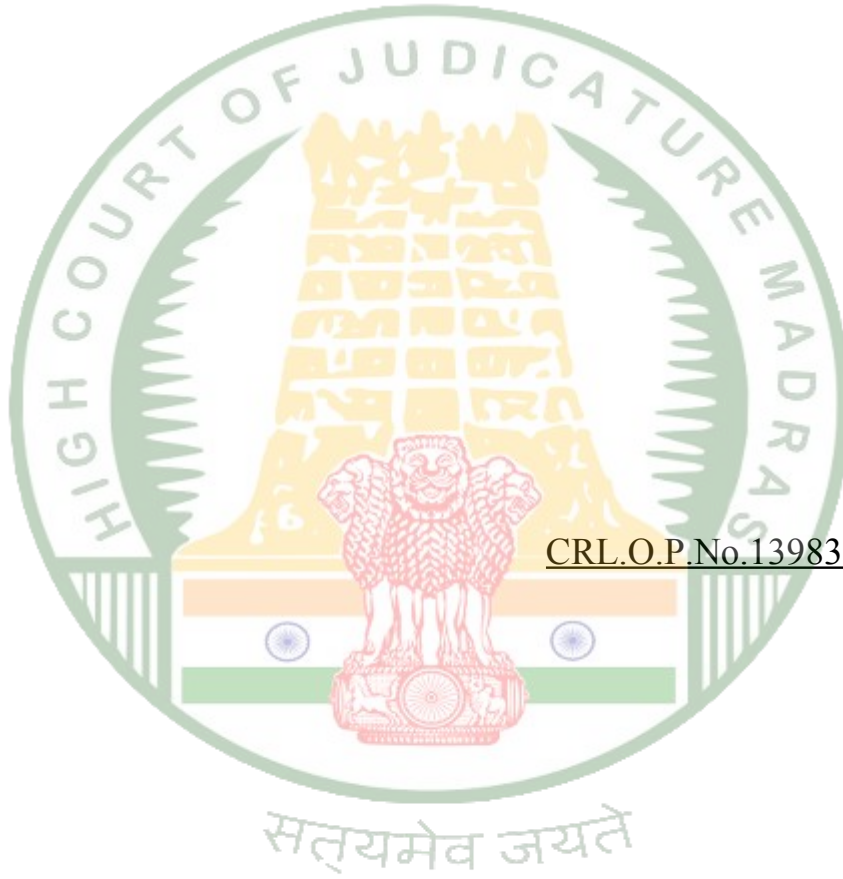
- 1.The Judicial Magistrate,
Thiruvottiyur, Chennai.
- 2.The Inspector of Police,
H-8, Thiruvottiyur Police Station,
Thiruvottiyur, Chennai.
- 3.The Superintendent
Central Prison, Puzhal.
- 4.The Public Prosecutor,
High Court of Madras
Chennai 600 104



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A. D. JAGADISH CHANDIRA, J.

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