

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.14140 of 2020

Thangaraj

... Petitioner

Vs.

The State

The Inspector of Police,
Otteri Police Station,
Kancheepuram District.
(Crime No. 177 of 2019)

...Respondent /Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail pending investigation in Crime No. 177 of 2019 on the file of the respondent police.

For Petitioner : Mr.K.J.Saravanan

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 31.07.2020, for the offence punishable under Section 147, 148, 341, 294(b), 324, 307 IPC, in Crime No.177 of 2019, on the file of the respondent police seeks bail.

2.The case of the prosecution as per the defacto complainant one Jaikumar is that on 12.07.2019 at about 19.15 hours when the defacto complainant along with his wife had gone to buy vegetables in his two wheeler, one Silambarasan along with his friend Vinod @ Chotta Vinod and 13 others waylaid the complainant and abused him in vulgar language and also attacked him with knife on his head and hand and the other accused Chotta Vinod attacked him in the forearm and escaped from the scene of occurrence.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case since the respondent police suspected him as the friend of said Silambarasan /A1 in this case. He would further submit that the alleged occurrence took place on 12.07.2019 and the complaint had

been given on 13.07.2019 and the petitioner was arrested only on 31.07.2020 i.e. after a lapse of more than a year. He would further submit that except the allegation that the petitioner was found in the company of the other accused no specific overt act has been attributed by him and the petitioner has no other cases also against him.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is the friend of one Silambarasan, who is a notorious person and against whom there are several cases. The said Silambarasan along with the petitioner and other accused waylaid the defacto complainant and assaulted him. He would further submit that the petitioner is in custody from 31.07.2020 and he has no previous cases against him.

5.Taking into consideration of the facts and submissions made by the learned counsels and also considering the incarceration suffered by the petitioner from 31.07.2020 and except the fact that the petitioner stated to have been found in the company of the other accused, there is no specific overt act attributed by him, 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 a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate Court No.II, Chengalpet, 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 petitioner shall report before the respondent police every day at 10.30 a.m., until further orders.

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

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

(f) the petitioner 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 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];

(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.

-sd/-
15/09/2020

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, CHENGALPET.

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
OTTERI POLICE STATION,
KANCHEEPURAM DISTRICT.

CC to M/S K.J.SARAVANAN Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.14140/2020

Date :15/09/2020

cs 18/09/2020

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