

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.09.2020

CORAM :

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

Crl.O.P.No.14248 of 2020

Prabakaran

... Petitioner

Vs.

The State Represented By
The Inspector of Police
M-4, Redhills Police Station,
Chennai District
(Crime No.3798 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.3798 of 2020 on the file of the Inspector of Police, M-4, Redhills Police Station, Chennai District.

For Petitioner : Mr.P.Chandrasekar

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 23.08.2020 for the offence punishable under **Sections 294 (b), 324, 506(ii) @Sections 294(b), 324, 506(ii), 307 IPC in Crime No.3798 of 2020**, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Shanmugam is that on 22.08.2020, the defacto complainant along with his relative had gone to the area of the accused and asked for an address and the accused, without any provocation, have assaulted the defacto complainant and his relative with knife due to which, the defacto complainant sustained injuries on his right leg. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case due to previous enmity. He would further submit that A1 namely Parthiban /the brother of the petitioner, has got five previous cases agsinst him and that the respondent police in order to put him in fetters, foisted a false case agaisnt the petitioner. Even as per the F.I.R. the petitioner is not stated to have caused any injuries to the victims. He would further submit insofar as the petitioner is concerned there is no previous case

against him and the petitioner has been suffering incarceration from 23.08.2020. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner is the brother of one Parthiban who A1 in this case. On 22.08.2020, the defacto complainant Shanmugam along with his relative had gone to the area of the accused and asked for an address. At that time, the accused without any provocation, assaulted the defacto complainant and his relative with knife due to which, the defacto complainant sustained injuries on the right leg and his relative also sustained injury and that the injured were treated as out patients. He would further submit that A1 in this case has got five previous cases. Insofar as this petitioner is concerned, there is no previous case against him. However, he opposed for grant of bail to the petitioner.

5. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and the fact that the victims were treated as out patients and also considering the period of incarceration of the petitioner from 23.08.2020, 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)** with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate-II, Ponneri, 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 daily 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/-
14/09/2020

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-II, PONNERI

2 THE CHIEF JUDICIAL MAGISTRATE
EGMORE, CHENNAI [FOR INFORMATION]

3 THE JAILER, SUB JAIL, KANCHEEPURAM

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
M-4, REDHILLS POLICE STATION, CHENNAI DISTRICT

CC to M/S. P. CHANDRA SEKAR Advocate on payment of necessary charges

CRL OP.14248/2020

Date :14/09/2020

GKS:17/09/2020