

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.09.2020

CORAM :

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

CRL.O.P.No.14563 of 2020

L.Shankar @ Gowrishankar

... Petitioner

Vs.

State Rep. By
Sub Inspector of Police,
Kondalampatty Police Station,
Salem District.
(Crime No.801 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner/accused on bail in Crime No.801 of 2020 on the file of the Sub Inspector of Police, Kondalampatty Police Station, Salem District.

For Petitioner : Mr.R.Dineshkumar

For Respondent : Mr.T.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 13.08.2020 for the offences punishable under **Sections 147, 148, 294(b), 307 and 506(ii) of IPC in Crime No.801 of 2020**, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Mahalingam is that due to previous enmity, the petitioner along with other accused assaulted him and his father with stone and wooden log due to which, they sustained injury. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant are known to each other and due to family dispute, a false complaint has been given against the petitioner. He would further submit that the alleged injured has been discharged from the hospital and the petitioner has been suffering incarceration from 13.08.2020. Hence, he prays for grant of bail.

4. The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused assaulted the defacto complainant and his father with stone and wooden log due to which, they sustained injury. He would submit that the petitioner has got one previous case in Crime No.282 of 2017, registered by the Steel Plant Police Station for offence under Sections 397 and 395 IPC and facing trial in S.C.No.123 of 2018. Hence, he vehemently 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 also considering the period of incarceration of 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) 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 No.V, Salem, 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 stay at Thiruvallur and report before the Inspector of Police, Thiruvallur Town Police Station, daily at 10.30 a.m. until further orders. The petitioner shall not enter into the jurisdictional limits of the respondent police.

(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/-
18/09/2020

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.V, SALEM
- 2 THE CHIEF JUDICIAL MAGISTRATE
SALEM DISTRICT [FOR INFORMATION]
- 3 THE SUPERINTENDENT, CENTRAL PRISON, SALEM
- 4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.
- 5 THE SUB-INSPECTOR OF POLICE,
KONDALAMPATTY POLICE STATION, SALEM DISTRICT
- 6 THE SUB INSPECTOR OF POLICE,
THIRUVALLUR TOWN POLICE STATION, THIRUVALLUR

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

CRL OP.14563/2020

Date :18/09/2020

GKS:22/09/2020