

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.09.2020

CORAM :

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

CRL.O.P.No.14854 of 2020

A.ASHOK KUMAR

... Petitioner

Vs.

State Rep. By
THE INSPECTOR OF POLICE,
Thellar Police Station
Vandavasi Taluk
Thiruvannamalai District
(Cr.No.1333 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail, pending investigation in Crime No.1333 of 2020 on the file of the respondent police.

For Petitioner : Mr.G.Kartheeban

For Respondent : Ms.S.Thankira
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 23.07.2020 for the offences punishable under Sections 294(b), 324 and 307 of IPC, in Crime No.1333 of 2020, seeks bail.

2.The case of the prosecution is that the petitioner during the quarrel abused his father, the victim herein and assaulted him and caused fracture to his hands and legs.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the alleged incident is stated to have been taken place during the family quarrel and the victim is none other than the father of the petitioner. He would further submit that the petitioner is in custody from 23.07.2020 and the injured has been discharged from the hospital.

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that the petitioner during the wordy quarrel, in an inebriated condition assaulted his father, due to which, he sustained injuries on his hands and legs. She would further submit that though the victim discharged from the hospital, he is still undergoing treatment.

5.Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering 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) 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 **Judicial Magistrate Court, Vandavasi, 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 Thiruvannamalai and report before the Thiruvannamalai Town Police Station everyday at 10.30 a.m. until further orders. The petitioner shall not visit 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 Trial Judge 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 Trial Judge 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/-
23/09/2020

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 COURT,
VANDAVASI

2 THE SUPERINTENDENT,
CENTRAL JAIL, VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THELLAR POLICE STATION,
VANDAVASI TALUK,
THIRUVANNAMALAI DISTRICT.

5 THE OFFICER INCHARGE,
THIRUVANNAMALAI TOWN POLICE STATION,
THIRUVANNAMALAI.

+1CC to M/S. G.KARTHEEBAN Advocate on payment of necessary charges SR NO.6388

CRL OP.14854/2020

Date :23/09/2020

MK:24/09/2020