

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.09.2020

CORAM :

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

CRL.O.P.No.14811 of 2020

Devendran

... Petitioner

Vs.

State represented by
the Inspector of Police
Karipatti Police Station,
Salem District.
(Crime No.450 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.450 of 2020 on the file of the respondent police.

For Petitioner : Mr.J.Franklin

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 30.08.2020 for the offences punishable under Sections 147, 148, 294(b), 323, 307 of IPC, in Crime No.450 of 2020, on the file of the respondent police, seeks bail.

2.The case of prosecution as per the defacto complainant Chellakannu is that due to previous enmity, the accused assaulted him and his friends with Machete. 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 since, he happens to be the friend of one Ranjith, A1 in this case. Even as per the complaint, the allegation against the petitioner is that he assaulted the friends of the defacto complainant with hands and that the specific allegations are only against A1 for having used Machete. He would further submit that the alleged victim is stated to have been discharged from the hospital and there is no previous case against the petitioner and that the petitioner has been suffering incarceration from 30.08.2020. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that the petitioner along with other friends, assaulted the defacto complainant and his friends with Machete. She would further submit that insofar as A1 is concerned, he used weapon and insofar as this petitioner is concerned, he assaulted the defacto complainant's friends with hands.

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 learned District Munsif cum Judicial Magistrate, Vazhapadi, 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 everyday at 10.30 a.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/-
22/09/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VAZHAPADI.

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KARIPATTI POLICE STATION,
SALEM DISTRICT.

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

सत्यमेव जयते

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CRL OP.14811/2020
Date :22/09/2020

cs 24/09/2020