

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.09.2020

CORAM :

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

CRL.O.P.No.14822 of 2020

SHANKAR

... Petitioner

Vs.

State Rep. By
Inspector of Police,
T-4, Maduravoyal Police Station,
Chennai.
(Crime No.1335 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.1335 of 2020 on the file of the Inspector of Police, T-4, Maduravoyal Police Station, Chennai.

For Petitioner : Mr.S.Sasikumar

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 26.08.2020 for the offences punishable under Sections 147, 148, 294(b), 307 and 506(ii) of IPC in Crime No.1335 of 2020, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Vignesh is that on 22.08.2020 while he was chatting with his friends, the accused due to previous enmity, came with knives and wooden logs and threatened the defacto complainant and his friends and also assaulted them due to which, they sustained injuries. 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 friends of A1 and A2 and there is no previous case against the petitioner and that the injured has also been discharged from the hospital. He would further submit that the complainant in this case has been granted bail by this Court

in Crl.O.P.No.14575 of 2020 dated 18.09.2020 and the peititoner has been suffering incarceration from 26.08.2020. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would vehemently oppose stating that the petitioner is arrayed as A6 and he is the associate of one Shankar and Prabakaran against whom there are several cases. He would further submit that due to previous enmity, the petitioner along with other accused joined together and assaulted the defacto complainant and his friends with knives and wooden logs due to which, they sustained injuries. He would submit that as far as the petitioner is concerned there is no previous case against him and the injured has been discharged from the hospital.

5. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and the fact that the injured has been discharged from the hospital and that co-accused has been granted bail by this Court 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.II, Poonamallee, Chennai, 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 Tiruvannamalai and report before the Inspector of Police, Town Police Station, Tiruvannamalai, daily at 10.30 a.m. and 5.30 p.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/-
24/09/2020

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, POONAMALLEE, CHENNAI.

2 THE OFFICER INCHARGE
SUB JAIL, CHENGALPET.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
T-4 MADURAVOYAL POLICE STATION
THIRUVALLUR DISTRICT.

5 THE INSPECTOR OF POLICE
TOWN POLICE STATION,
TIRUVANNAMALAI.

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

CRL OP.14822/2020

Date :24/09/2020