

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.09.2020

CORAM :

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

CRL.O.P.No.14814 of 2020

K.Sanjay Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
K-6, T.P.Chathram Police Station
Chennai-600 030.
(Crime No.507 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.507 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Bhagawat Krishna

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 09.09.2020 for the offences punishable under **Section 341, 294(b), 323, 307 and 506(ii) of IPC in Crime No.507 of 2020**, on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant is that while he along with his friends was setting inside the corporation cemetery, the accused had come there in two motorcycles and started quarrel with him and Al,ush @ Chandrasekar has assaulted the defacto complainant with knife and the other accused had assaulted the defacto complainant with hands, due to which, the victim suffered 18 sutures.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that even as per FIR, the allegation against the petitioner is that he had assaulted the defacto complainant with hands. He would submit that as far as the petitioner is concerned, he is a student, studying B.A. Economics 2nd year in Pachaiyappa's College, Chennai and that there is no previous case pending against him. He would submit

that the petitioner has been arrested on 09.09.2020 and that he is in custody for the past about 16 days. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with other accused had picked up quarrel with the defacto complainant and abused him in filthy language. She would submit that as far as the first accused in this case viz., Ush @ Chandrasekar is concerned, he had attacked the victim with knife and thereby, the victim had sustained 18 sutures and as far as this petitioner is concerned, he had attacked the defacto complainant with hands. She would further submit that the investigation is pending and that the other accused are yet to be apprehended. Hence, she opposed to grant bail to the petitioner.

5 Taking into consideration of the facts and circumstance of this case and also considering the fact that the petitioner is in jail from 09.09.2020, 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 executing 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 and thereafter on his release;

(b) the petitioner shall execute two sureties, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned V Metropolitan Magistrate, Egmore, Chennai, within a period of 15 days from the 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 shall stay at Tindivanam and report before the Tindivanam Town Police Station everyday at 10.30 a.m. and 05.30 p.m., for a period of two weeks and thereafter report before the respondent police every day 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/-
25/09/2020

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 V METROPOLITAN MAGISTRATE, EGMORE, CHENNAI

2 THE SUPERINTENDENT, SUB JAIL, SAIDAPET

3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE, K-6,
T.P CHATHRAM POLICE STATION, CHENNAI 600 030.

5 THE OFFICER INCHARGE,
TINDIVANAM TOWN POLICE STATION, TINDIVANAM

+1 CC to M/S.R.BHAGAWAT KRISHNA Advocate on payment of necessary charges SR.NO.6451

CRL OP.14814/2020

Date :25/09/2020

GKS:28/09/2020