

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.14923 of 2020

Satheesh @ Satheesh Rajkumar

... Petitioner

Vs.

State Rep. by
Sub Inspector of Police
Tiruvannamalai Town Police Station
Tiruvannamalai
(Crime No.1536 of 2018)

.... 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.1536 of 2018 on the file of the respondent police.

For Petitioner : Mr.B.Jawahar

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 06.09.2020 for the offences punishable under Sections 147, 148, 294(b), 324 and 307 of IPC, in Crime No.1536 of 2018, seeks bail.

2.The case of the prosecution as per the defacto complainant one Rooban Kumar is that due to enmity, the petitioner along with other accused had on 06.11.2018 assaulted him with machete and also with knife due to which he and his friends sustained injuries.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he would further submit that the alleged occurrence is stated to have been taken place during the year 2018 and his name has been falsely implicated in this case. He would further submit that though the petitioner is the native of Tiruvannamalai, he resides in Chennai and his name has unnecessarily been roped in this case. He would further submit that when he had gone to his native place during COVID-19 Pandemic period, he was

arrested based on the pending complaint. He would further submit that the incident took place during the year 2018 and the injured have been discharged from the hospital and major part of the investigation is over.

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that the petitioner along with other accused due to previous enmity attacked the defacto complainant and his friends with machete and knife and also caused injury. She would further submit that the petitioner was absconding from the 2018 and investigation is pending due to his abscondance.

5.Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering the fact that the incident took place in the year 2018, 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.1, Tiruvannamalai, 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 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,
NO.I, TIRUVANNAMALAI.

2 THE OFFICER INCHARGE
SUB JAIL, TIRUVANNAMALAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
TIRUVANNAMALAI TOWN POLICE STATION,
TIRUVANNAMALAI.

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

CRL OP.14923/2020

Date :23/09/2020

cs 25/09/2020