

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.14870 of 2020

1. A.Karthik, S/o. Appadurai

2. S.Karthik, S/o. Senthilkumar

... Petitioners

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 petitioners on bail, pending investigation in Crime No.1335 of 2020 on the file of the respondent police.

For Petitioners : M/s.I.MD. Arif

For Respondent : Ms.S.Thankira
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 23.08.2020 for the offences punishable under Sections 147, 148, 294(b), 307 and 506(ii) of IPC, in Crime No.1335 of 2020, seek 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, thereby, they sustained injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case since, they happened to be the friends of A1 and A2 and there is no previous case against the petitioners and that the injured has also been discharged from the hospital. He would further submit that the peititoners have been suffering incarceration from 23.08.2020. Hence, he seeks for grant of bail to the petitioners.

4.The learned Government Advocate (Criminal Side) would vehemently oppose stating that the petitioners are the associates of one Shankar and Prabakaran against whom there are several cases pending. He would further submit that due to previous enmity, the petitioners along with other accused have jointly assaulted the defacto complainant and his friends with knives and wooden logs, due to which, they have sustained injuries. She would further submit that the injured have been discharged from the hospital.

5.Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering the period of incarceration of the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute their 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 petitioners 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 - 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 petitioners on their 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 petitioners shall not enter into the jurisdictional limits of the respondent police.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-

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.II, POONAMALLEE, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
T-4, MADURAVOYAL POLICE STATION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI

5 THE INSPECTOR OF POLICE,
TOWN POLICE STATION,
TIRUVANNAMALAI

CC to M/S.I.MD ARIF Advocate on payment of necessary charges

CRL OP.14870/2020

Date : 23/09/2020

RVR 25/09/2020