

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.15083 of 2020

Rajkumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police
Sathiyamangalam Police Station
Villupuram District.
(Crime No.1429 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.1429 of 2020 on the file of the respondent police.

For Petitioner : Mr.V.R.Appaswamee

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 16.08.2020 for the offences punishable under Section 294(b), 353, 307 & 506(ii) of IPC in Crime No.1429 of 2020, on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant viz., Sasikumar, who is working as Police Constable at Sathiyamangalam Police Station, is that on 16.08.2020, when he was on his duty, he had seen the petitioner in illegal possession of four quarter liquor bottle. When the defacto complainant had questioned him and attempted to apprehended, the petitioner had assaulted him and caused injury by using a broken brandy bottle, due to which, the defacto complainant had sustained grievous injuries.

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 the petitioner has quarreled with the police in an inebriated condition. He would further submit that the alleged victim has been discharged from the hospital and that the petitioner is in

custody from 16.08.2020. 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 was found in illegal possession of four quarter liquor bottles and when it was questioned by the defacto complainant, the petitioner had brutally assaulted him, due to which, he has sustained grievous injuries. She would also submit that the injured has been discharged from the hospital. However, she opposed to grant bail to the petitioner.

5 Taking into consideration of the facts and submissions made by the learned counsel and also considering the fact that the petitioner is in jail from 16.08.2020, 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 Judicial Magistrate, Gingee, within a period of 15 days from the date commencement of the Court's normal functioning or which ever is earlier, 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 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/-
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 JUDICIAL MAGISTRATE, GINGEE

2 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SATHIYAMANGALAM POLICE STATION,
VILLUPURAM DISTRICT

+1 CC to M/S.V.R.APPASWAMEE Advocate on payment of necessary charges SR.NO.6458

CRL OP.15083/2020

Date :25/09/2020

GKS:28/09/2020