

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.10.2020

CORAM :

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

CRL.O.P.No.15539 of 2020

NAVEEN

... Petitioner

Vs.

THE STATION HOUSE OFFICER,
Kumarachi Police Station,
Kumarachi,
Cuddalore District.
(Crime.No.574/2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.574 of 2020 on the file of the respondent.

For Petitioner : Mr.K.G.Senthilkumar
For Respondent : Mr.T.Shunmugarajeswaran
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 10.08.2020 for the offences punishable under Sections 448, 294(b), 323, 506(ii), 307 of IPC r/w Section 3 of Tamil Nadu Public Property (Prevention of damages and loss) Act, 1992 and Sec.4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.574 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Balakrishnan is that on 09.08.2020, the petitioner along with A1 attempted to cut him with machete and also caused damages to the house hold articles and abused his wife in filthy language.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case, since he happened to be the friend of A1. He would further submit that these cases have been foisted against him for the purpose of detaining the main accused / A1, under Act 14 and the respondent police have also succeeded in detaining A1 under Act 14.

He would further submit that as far as this petitioner is concerned,

he is aged about 19 years and apart from these cases, a case was registered against him during the year 2017 when the petitioner was a Juvenile. Other than these cases, the petitioner has no other cases against him. He would further submit that the petitioner was arrested on 10.08.2020 and he is in judicial custody for more than two months and he is prepared to abide by any stringent conditions that to be imposed on him by this Court.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner is the associate of A1 one Karthick and that in a case in Crime No.574 of 2020 the petitioner on 09.08.2020, along with A1, abused the defacto complainant one Balakrishnan and threatened him with machete and also abused his wife in filthy language.

5.Heard the learned counsels on either side. Perused the other documents placed on record.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration suffered by 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 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 Judicial Magistrate No.II, Chidambaram, Cuddalore District, and on further conditions that:

(b) 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;

(c) the petitioner on his release from prison shall report before the respondent police everyday at 10.30 a.m. and 5.30 p.m. until further orders.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
12/10/2020

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, CHIDAMBARAM,
CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE DISTRICT [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE STATION HOUSE OFFICER
KUMARACHI POLICE STATION,
KUMARACHI,
CUDDALORE DISTRICT.

+1 CC to M/S.K.G.SENTHILKUMAR Advocate on payment of necessary charges SR.No.6817

CRL OP.15539/2020

Date :12/10/2020

cs 13/10/2020