

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.15802 of 2020

Kathiravan

... Petitioner

Vs.

The State rep by  
The Inspector of Police,  
K-4 Anna Nagar Police Station  
Chennai,  
Chennai District.  
(Crime No.849 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.849 of 2020, on the file of the Inspector of Police, K-4 Anna Nagar Police Station, Chennai.

For Petitioners : Mr. D. Arun

For Respondent : Mr.T.Shunmugarajeswaran  
Government Advocate (CrI. 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 21.09.2020 for the offences punishable under Sections 341, 294(b), 333 and 506(ii) of IPC, in Crime No.849 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant who is the staff in the Corporation is that the petitioner is a contract labourer in the Chennai Corporation and that he along with other accused had in an inebriated condition prevented the defacto complainant and other officers from performing their duties and also assaulted and caused grievous injuries to them. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and due to a dispute, a false complaint has been given against the petitioner. He would submit that the petitioner was arrested on 21.09.2020 and that he is in custody for 17 days as on today. He further submitted that the injured has been discharged from the hospital and co-accused in this

case have been granted bail by this Court in Crl.O.P.No.No.15667 of 2020 by order dated 05.10.2020. 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 who is a contract labourer had assaulted the defacto complainant and his colleagues who were working in the Corporation and thereby caused grievous injuries to them. He would further submit that the injured has been discharged from the hospital. However, he opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and submissions made by the learned counsels and the fact that the co-accused have been granted bail by this Court and also considering the period of incarceration by the petitioner from 21.09.2020, 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 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 learned Metropolitan Magistrate-V, Egmore, Chennai, 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 shall stay at Perambalur and report before the Perambalur Town Police Station daily at 10.30 a.m., for a period of four weeks. Thereafter, report before the respondent daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

(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.

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

-sd/-  
07/10/2020

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 METROPOLITAN MAGISTRATE  
NO.V, EGMORE, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,  
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUPERINTENDENT,  
CENTRAL PRISON,  
PUZHAL, CHENNAI.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,  
K-4 ANNA NAGAR POLICE STATION,  
CHENNAI,  
CHENNAI DISTRICT.

6 THE OFFICER INCHARGE  
PERAMBALUR TOWN POLICE STATION  
PERAMBALUR.

CC to M/S.D.ARUN Advocate on payment of necessary charges

CRL OP.15802/2020

Date :07/10/2020