

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 15695 of 2020

Mohamed Rajik @ Abdul Rajik

... Petitioner/1st Accused

Vs.

The State represented by,
The Inspector of Police,
Koothanallur Police Station,
Thiruvarur District.
Crime No. 1431 of 2020

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 1431 of 2020, on the file of the respondent police.

For Petitioner : Mr.Swami Subramanian

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 13.09.2020 for the offences punishable under Sections 341, 294(b), 324 and 307 of IPC in Crime No. 1431 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant one KalyanKumar is that he has received information that, due to previous enmity, the petitioner along with other accused, who belong to a political party, had assaulted the defacto complainant's son with iron rod, due to which, his son has sustained grievous injuries and he was admitted in the hospital. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that a false complaint has been foisted against him, due to political animosity. He would submit that even as per the complaint, the defacto complainant is not an eye-witness to the occurrence and he has given only on information. He would further

submit that co-accused in this case has been enlarged on anticipatory bail by this Court in Crl.O.P.No.13890 of 2020, dated 18.09.2020. He would further submit that there is no previous case pending against the petitioner and that the petitioner is in custody from 13.09.2020. Hence, he prays to grant bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that that the petitioner along with other accused, who belong to a political party, due to previous enmity, have assaulted the son of the defacto complainant with iron rod and thereby, son of the defacto complainant has sustained grievous injuries on his head and eye-brow. He would also submit that the victim has been discharged from the hospital and that the co-accused in this case have been enlarged on bail. However, he opposed for grant of bail to the petitioner.

5 Taking into consideration of the facts and submissions made by the learned counsels and that co-accused in this case have been enlarged on bail and also considering the period of incarceration by the petitioner from 13.09.2020, 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 Judicial Magistrate No.II, Mannargudi, Thiruvarur 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 shall report before respondent police every day at 10.30 a.m., until further orders.

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

(e) the petitioner shall not abscond during 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
06/10/2020

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, MANNARGUDI,
THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE OFFICER INCHARGE
SUB-JAIL, MANNARGUDI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KOOTHANALLUR POLICE STATION, सत्यमेव जयते
THIRUVARUR DISTRICT.

CC to M/S. SWAMI SUBRAMANIAN Advocate on payment of necessary charges

WEB COPY

CRL OP.15695/2020

Date :06/10/2020

cs 07/10/2020