

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. 15785 of 2020

Ramkumar

... Petitioner/2nd Accused

Vs.

The State represented by, ... Respondent/Complainant
The Inspector of Police,
M-4, Redhills Police Station,
Thiruvallur District.
Crime No. 3812 of 2020.

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 3812 of 2020, on the file of the respondent police.

For Petitioner : Mr.D.Gopi Krishnan

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 02.09.2020 for the offences punishable under Sections 341, 294(b), 324, 307 and 506(ii) of IPC, in Crime No. 3812 of 2020, on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant viz., Narendhiran, is that due to previous enmity, the petitioner has pelted stones on the father of the defacto complainant and assaulted his father with hands and thereby, he has sustained injuries. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant families are residents of the same area and that due to the previous enmity, there was a wordy quarrel between them and thereby, a false complaint has been given against the petitioner. He would further

submit that even as per the complaint, no weapon was used by the petitioner and that the alleged incident has happened during a sudden quarrel. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that as far as this petitioner is concerned, there are two previous cases pending against him viz., one case was registered in Crime No.481 of 2019, for the offence under Section 307 of IPC and another case was registered in Crime No. 842 of 2016, for the offences under Sections 71, 71(A) of Criminal Amendment Act. He would further submit that the petitioner had abused the father of the defacto complainant and assaulted his father him with stones. He would further submit that the injured has been discharged from the hospital. Hence, he opposed to grant bail to the petitioner.

5 At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner was arrested on 02.09.2020 and he is in custody for more than a month. He would further submit that the petitioner is prepared to abide by any stringent condition that may be imposed on him by this Court. Hence, he prays to grant bail to the petitioner.

6 Taking into consideration the facts and submissions made by the learned counsel and considering the fact that the petitioner is in jail from 02.09.2020, 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, Ponneri 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 Tiruvannamalai and report before Tiruvannamalai North Police Station everyday at 10.30 a.m., until further orders and the petitioner shall not enter into the jurisdictional limits of the respondent police.

(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,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
M-4, REDHILLS POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE SUPERINTENDENT, CENTRAL PRISON - II,
PUZHAL.

6 THE OFFICER INCHARGE,
TIRUVANNAMALAI NORTH POLICE STATION,
TIRUVANNAMALAI.

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

CRL OP.15785/2020

Date :06/10/2020