

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.10.2020

CORAM :

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

CRL.O.P.No.16365 of 2020

Srinivasan

... Petitioner

Vs.

The State rep.by  
The Inspector of Police,  
Manalmedu Police Station,  
Nagapattinam District.  
(Crime No.998 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No.998 of 2020 on the file of the respondent.

For Petitioner : Mr.V.Sakkarapani

For Respondent : Mr.T.Shunmugarajeswaran  
Government Advocate (Crl. Side)

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 22.09.2020 for the offences punishable under Sections 294(b), 341, 352, 324, 506(2) & 307 of IPC, in Crime No.998 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to money dispute with regard to sending the son of the defacto complainant to abroad there was a dispute, during which, the petitioner along with one Raja assaulted the defacto complainant with wooden log thereby causing injury.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the fact remains that the defacto complainant came to the house of the petitioner and created problem and the incident happened at that time. He would further submit that the petitioner was arrested on 22.09.2020 and he is in custody for the past one month. He would further submit that the injured has been discharged.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that due to money dispute, the petitioner along with other three accused assaulted the defacto complainant with wooden log causing injury. He would further submit that the injured has been discharged from the hospital. However, he would submit that there is one previous case pending against the petitioner in Crime No.139 of 2018.

5.Heard the learned Counsel on either side. Perused F.I.R. and other materials 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 and also considering the fact that the injured has been discharged from the hospital, 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-I, Mayiladuthurai 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. 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/-  
29/10/2020

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.I, MAYILADUTHURAI.

2 THE CHIEF JUDICIAL MAGISTRATE  
NAGAPATTINAM [FOR INFORMATION]

3 THE OFFICER INCHARGE  
SUB-JAIL, SIRKALI.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,  
MANALMEDU POLICE STATION,  
NAGAPATTINAM DISTRICT.

CC to M/S V.SAKKARAPANI Advocate on payment of necessary charges

सत्यमेव जयते

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CRL OP.16365/2020  
Date :29/10/2020

cs 02/11/2020