

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.11.2020

CORAM :

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

CRL.O.P.No.16463 of 2020

Augustin Raj

... Petitioner

Vs.

State rep. By
The Inspector of Police,
Ranipet Police Station,
Ranipet District.
(Crime No.1252 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.1252 of 2020 on the file of the respondent.

For Petitioner : Mr.P.Chandrasekar

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

ORDER

(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 **Section 294 (b), 353, 506(i) IPC and Section 3(i) of TNPPDL Act, 1992**, in Crime No.1252 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Jaishankar, the Special Sub-Inspector of Police is that on 22.09.2020, he along with his police party was doing vehicle check-up and when they intercepted the petitioner who came in a two wheeler, to produce the vehicle documents, he refused to produce the same and abused them in filthy language and thereafter, kicked the defacto complainant's two wheeler and caused damages to the two wheeler pursuant to which, the accused was apprehended in the same spot.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that there was a quarrel between the petitioner and the defacto complainant and

thereby, a false complaint has been given as if, the petitioner abused the defacto complainant and damaged his two wheeler. He would further submit that the petitioner was arrested on 22.09.2020 and he has been suffering incarceration for more than 40 days and that there is no previous case against the petitioner. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that on 22.09.2020, the defacto complainant along with his police party was conducting vehicle check-up and they stopped the petitioner who came in a two wheeler in a rash and negligent manner and asked him to produce the vehicle particulars. Whereas, the petitioner refused to produce the same and abused the defacto complainant in filthy language and also pushed his two wheeler and caused damages to the two wheeler. He would further submit that the investigation is pending. Hence, he vehemently opposed for grant of bail to the petitioner.

5.Heard the learned Counsel on either side.

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 **learned District Munsif Court cum Judicial Magistrate, Ranipet** 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/-
03/11/2020

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 DISTRICT MUNSIF COURT CUM
JUDICIAL MAGISTRATE COURT, RANIPET.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
RANIPET POLICE STATION,
RANIPET DISTRICT.

5 THE JAILER,
SUB JAIL, RANIPET

6 THE SUPERINTENDENT,
VELLORE PRISON.

CC to M/S. P.CHANDRASEKAR Advocate on payment of necessary charges

CRL OP.16463/2020

Date :03/11/2020

TA-04/11/2020