

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.11.2020

CORAM :

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

CRL.O.P.No.17089 of 2020

A.Nagaraj

... Petitioner

Vs.

State rep. by
The Inspector of Police,
North Police Station,
Tiruppur.
(Crime No.4 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.4 of 2020 on the file of the respondent.

For Petitioner : Mr.K.Anandan

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 10.01.2020 for the offences punishable under Sections 294(b), 506(ii) and 302 of IPC, in Crime No.4 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Viz. Eswari is that there was a financial dispute between her younger brother Suresh and Abdul Kadar, due to which, on 01.01.2020, the said Abdul Kadar along with his employees Nagaraj and Sahul Hamid assaulted her brother with iron pipes, due to which, her brother sustained injuries and fell down unconsciously, when he was taken to the hospital, he was declared brought dead. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that when the case was registered against the petitioner, the petitioner surrendered before the respondent police on 04.01.2020 and later he was remanded to judicial custody. He would further submit that the petitioner was clamped with the detention order passed by the Commissioner of Police, Tiruppur District on 04.03.2020 and the detention order was later quashed by this Court vide order dated 13.10.2020 in H.C.P.No.656 of 2020. He would further submit that his earlier bail application was dismissed and the present application has been renewed after quashing of the detention order. He would further submit that the petitioner is in custody for more than 300

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner along with two other accused had assaulted the brother of the defacto complainant with iron pipes, due to which, he succumbed to injuries. He would further submit that the investigation has been completed and a charge sheet has been laid in P.R.C.No.16 of 2020 before the learned Judicial Magistrate-I, Tirupur and the case stands posted on 24.11.2020 for hearing. He would further submit that there is no previous case pending as against the petitioner.

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 of the period of incarceration suffered by the petitioner and also considering the fact that the investigation has been completed and P.R.C.16 of 2020 is taken on file and also considering the fact the co-accused in this case have been enlarged on bail, 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, Tiruppur 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 learned Judicial Magistrate-I, Tiruppur 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/-

02/11/2020

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 JUDICIAL MAGISTRATE,
TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE JUDICIAL MAGISTRATE,
NO. I, TIRUPPUR

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
TIRUPPUR NORTH POLICE STATION,
TIRUPPUR DISTRICT.

6 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S. K. ANANDAN Advocate on payment of necessary charges
Sr. 7149

WEB COPY

CRL OP. 17089/2020

Date : 02/11/2020

RVR 03/11/2020