

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.11.2020

CORAM :

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

CRL.O.P.No.17370 of 2020

Lianhomtuang

... Petitioner

Vs.

State, rep.by
The Inspector of Police,
J-6 Thiruvanmiyur Police Station,
Chennai-41
(Crime No.1398 of 2020)

.... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1398 of 2020 on the file of the respondent.

For Petitioner : Mr.N.Senthil Kumar

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 17.10.2020 for the offences punishable under **Section 341, 294(b), 324, 307 of IPC** in Crime No.1398 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Kapkchantun is that on 17.10.2020 at about 1.15 a.m., during a quarrel, the petitioner assaulted him with pen knife and caused him injury. Hence, the complaint.

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. Even as per the complaint, the incident is alleged to have taken place during a family quarrel and the petitioner and the defacto complainant hail from same state and that they are known to each other. He would submit that the petitioner was arrested on 17.10.2020 and he has been suffering incarceration for 20 days till today and that the alleged victim has been

discharged from the hospital. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner and the defacto complainant are native of Manipur and they are working here. During a quarrel, the petitioner assaulted the defacto complainant with pen knife and caused him injury. He would further submit that the injured has been discharged from the hospital and there is no other case pending against the petitioner.

5.Taking into consideration of the facts and submissions made by the learned counsels and the fact that the injured has been discharged from the hospital and there is no previous case against the petitioner and also taking into consideration of 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.15,000/- (Rupees Fifteen Thousand only)**, with **two sureties each** for a like sum to the satisfaction of the **XVIII Metropolitan Magistrate, Saidapet, Chennai-15** 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/-
05/11/2020

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 XVIII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI-15

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
J-6 THIRUVANMIYUR POLICE STATION,
CHENNAI-41.

5 THE JAILER,
SUB-JAIL, POONAMALLE.

CC to M/S.N.SENTHIL KUMAR Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.17370/2020

Date : 05/11/2020

WEB COPY

TA-06/11/2020