

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.11.2020

CORAM :

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

CRL.O.P.No.17645 of 2020

Vijay

... Petitioner

Vs.

State Rep by:-

The Inspector of Police,
M-4, Redhills Police Station,
Thiruvallur District.
(Crime No.3812 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.3812 of 2020 on the file of the respondent police.

For Petitioner : Mr.D.Gopikrishnan

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 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 along with other accused 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 is an innocent and he has not committed any offence as alleged by the prosecution. He would submit that there was a dispute between one Ramkumar who is arrayed as A2 in this case and the defacto complainant. Admittedly there are two previous cases against the petitioner and being a co-accused of the said Ram Kumar in the previous cases, the petitioner has been falsely implicated in

this case. In fact the petitioner's name is not found in the F.I.R. and that the petitioner was not at all present in the scene of occurrence. He would further submit that even as per the complaint, no weapon was used by the accused and that the alleged incident has happened during a sudden quarrel. He would further submit that the said Ramkumar/A2 has been granted bail by this Court vide Crl.O.P.No.15789 of 2020 by order dated 06.10.2020. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating 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 along with other accused, 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.

5. At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner was arrested on 02.09.2020 and he has been in judicial custody for 70 days as on today. He would further submit that the petitioner is prepared to abide by any stringent condition that may be imposed on him by this Court.

6. Taking into consideration the facts and submissions made by the learned counsel and the fact that co-accused in this case has been granted bail by this Court and also considering 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 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 Town 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 until further orders.

(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/-

10/11/2020

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,
NO.II, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON-II, PUZHAL.

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

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

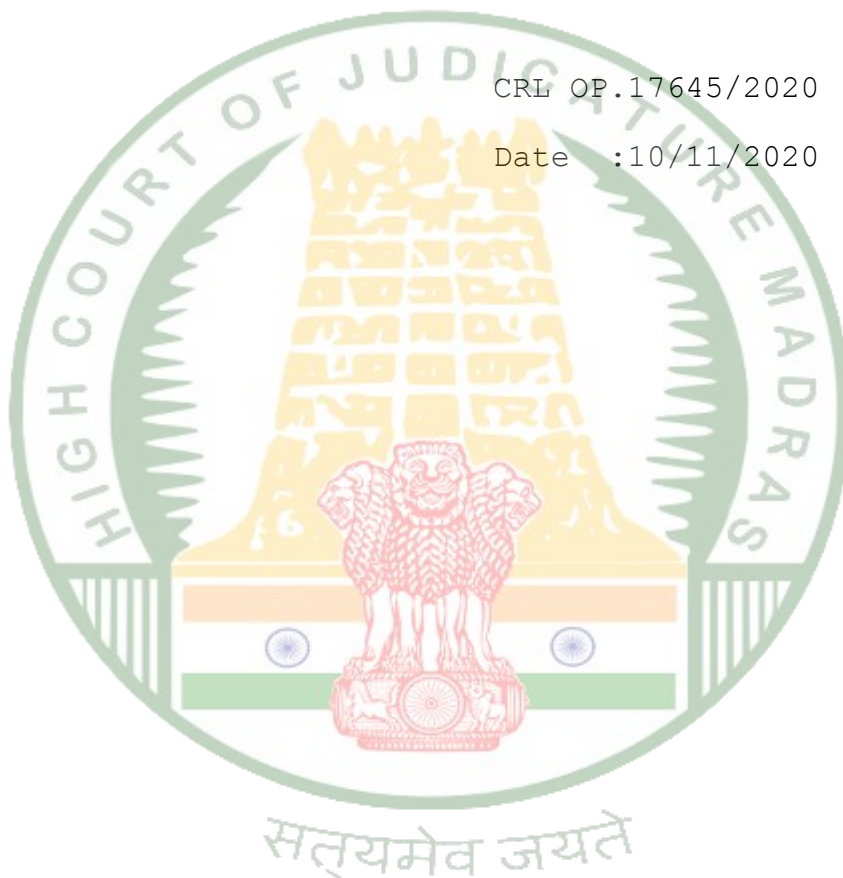
6 THE OFFICER INCHARGE
TIRUVANNAMALAI TOWN POLICE STATION,
TIRUVANNAMALAI.

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

CRL OP.17645/2020

Date :10/11/2020

cs 11/11/2020



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