

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.12.2020

CORAM :

THE HON'BLE Mr. JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.18906 of 2020

Gnanavel

... Petitioner

-Vs.-

State By,

The Inspector of Police,
Thiruvannamalai Taluk Police Station,
Thiruvannamalai District.
(Crime No.2956 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.2956 of 2020 on the file of the Inspector of police, Thiruvannamalai Taluk Police Station.

For Petitioner : Mr.S.Silambu Selvan

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 15.11.2020 for the offences punishable under Sections 294(b), 307 of IPC in Crime No.2956 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution is that during Diwali, when the petitioner was proceeding in his motor cycle, the defacto complainant intercepted him, due to which, wordy quarrel arose between them and after that both of them have assaulted each other. The further allegation is that the petitioner attacked the defacto complainant with knife on his head and left side rib, causing injuries. Hence, the complaint.

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 defacto complainant had parked his motor cycle in the middle of the road and when the same was questioned, a false complaint has been lodged against him. He would further submit that the petitioner has also given a counter case against the defacto complainant.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the petitioner while proceeding in his motor cycle, it was intercepted by the defacto complainant, due to which, he attacked the defacto complainant with knife on his head and left side rib. He would further submit that the injured has been discharged and it is a case in counter.

5.Taking into consideration of the facts and circumstances of the case and also the submissions made by the learned counsels and considering the fact that the injured has been discharged and it is a case in counter, 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 separate 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.2, Thiruvannamalai, 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 at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

(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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
02/12/2020

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.2,
THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE JAILER,
SUB-JAIL,
THIRUVANNAMALAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
THIRUVANNAMALAI TALUK POLICE STATION,
THIRUVANNAMALAI DISTRICT.

CC to M/S S.SILAMBU SELVAN
necessary charges

Advocate on payment of

CRL OP.18906/2020

Date :02/12/2020