

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.12.2020

CORAM :

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

CRL.O.P.No.19504 of 2020

Veera @ Veerangan

...Petitioner

Vs.

State represented by
Sub Inspector of Police
Tiruvannamalai Town Police Station
Tiruvannamalai District
Crime No.3670 of 2020

..Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.3670 of 2020 on the file of the respondent.

For Petitioner : Mr.R.Balakrishnan

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 19.11.2020 for the offence punishable under Sections 294(b), 307 IPC, in Crime No.3670 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Saran is that on 19.11.2020, when he was chit chatting with his friends, the accused came there and asked him to purchase beer for him. When the defacto complainant refused the same, the accused abused in filthy language and assaulted him with beer bottle on his head, back, chest and neck due to which, he sustained injuries.

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 even as per the complaint, the incident is alleged to have taken place during a drunken brawl and that the alleged victim has been discharged from the hospital. He would further submit that the petitioner has got one previous case registered in the year 2016 and thereafter, the petitioner was not brought to any adverse notice and that the petitioner has been suffering incarceration from 19.11.2020. Hence, he prays for grant of bail.

4.The learned Government Advocate (Cl.Side) appearing for the respondent would vehemently oppose stating that on the date of occurrence, when the defacto complainant was chatting with his friends, the accused demanded the defacto complainant to purchase liquor and when it was refused, the petitioner abused him in filthy language and assaulted him with beer bottle on his head, back, chest and neck resulting in him sustaining injuries. He would further submit that the injured has been discharged from the hospital.

5.Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and the fact that the injured has been discharged from the hospital 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-I, Tiruvannamalai, 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.

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

-sd/-

10/12/2020

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.I, TIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 SUB-INSPECTOR OF POLICE,
THIRUVANNAMALAI TOWN POLICE STATION,
THIRUVANNAMALAI DISTRICT.

5 THE OFFICER INCHARGE,
SUB JAIL, TIRUVANNAMALAI

CC to M/S.R.BALAKRISHNAN Advocate on payment of necessary charges Sr.8064

सत्यमेव जयते CRL OP.19504/2020

Date :10/12/2020

RVR 11/12/2020

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