

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.19484 of 2020

Mohamed Syed Ibrahim

... Petitioner

Vs.

State, Rep. by

Inspector of Police

Hasthampatty Police Station, Salem

Crime No.1062 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.1062 of 2020 on the file of the respondent.

For Petitioner : Mr.C.Prabakaran

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 22.11.2020 for the offence punishable under Sections 294(b), 323, 324, 307 and 506(ii) IPC, in Crime No.1062 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Saileswaran is that on 21.11.2020 while he along with his friends was playing Cricket at Salem Arts College Playground, the petitioner along with others quarreled with them and asked them to leave the playground. When it was questioned by the defacto complainant and his friends, the petitioner along with others, abused them in filthy language and assaulted the defacto complainant with hands and Cricket Stump resulting him in sustaining injuries.

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. Infact, the petitioner was playing Cricket in the said playground. The defacto complainant had come there and created a problem and the incident had happened during a quarrel between two groups while playing cricket and that the petitioner intercepted to pacify them. Whereas, he has been falsely implicated in this case. He would further submit that the injured has been discharged from the hospital and the petitioner has been suffering incarceration from 22.11.2020. Hence, he prays for grant of bail.

4.The learned Government Advocate (Cl.Side) appearing for the respondent would vehemently oppose stating that the petitioner along with other accused prevented the defacto complainant and his friends from playing cricket at the Salem Arts College Playground and when it was questioned, the petitioner along with others assaulted the defacto complainant with cricket stump and hands due to which, he sustained injury. He would further submit that the injured has been discharged from the hospital and there is no previous case against the petitioner.

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 there is no previous case against the petitioner 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-III, Salem, 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. for a period of two weeks and thereafter, every Monday 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.III, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
HASTHAMPATTY POLICE STATION,
SALEM.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

CC to M/S.C.PRABAKARAN Advocate on payment of necessary charges

CRL OP.19484/2020

सत्यमेव जयते Date :10/12/2020

RVR 11/12/2020

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