

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.12.2020

CORAM :

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

CRL.O.P.No.20546 of 2020

IYYAPPAN

... Petitioner

Vs.

State represented By, Respondent
The Inspector of Police,
T-3, Korattur Police Station,
Thiruvallur District.
(Crime No.2271 of 2020)

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioner on bail in Crime No.2271 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.Parthipan

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

ORDER

(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 147, 148, 341, 294(b), 323, 324, 307 and 506(ii) of IPC, in Crime No.2271 of 2020, seeks bail.

2. The case of the prosecution as per the *de facto* complainant Sunil Chowhan is that on 14.11.2020, he had burst the crackers in front of his house. At that time, the accused, who are unknown to him had come in a bike and threatened him not to burst crackers and thereafter, after some time, the other accused had also come to the place and assaulted the *de facto* complainant with wooden logs and iron rods and attacked the *de facto* complainant's friends on the head and face.

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 submit that there was a quarrel on account of the *de facto* complainant bursting crackers and throwing on the two wheeler riders and during quarrel, the incident had happened. He would submit that the injured has been discharged from the hospital and that there is no previous case against the petitioner and hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that the petitioner is the resident of Assam and that he had bursted crackers, due to which, there was a quarrel, during quarrel, the accused had assaulted the *de facto* complainant and his friends with wooden logs and iron rods, due to which, the *de facto* complainant sustained injuries. He would submit that the injured was admitted in a private hospital, thereafter, he was referred to Rajiv Gandhi Hospital and thereafter, he was discharged from the hospital and he is now taking treatment in his native place.

5. At this juncture, the learned counsel for the petitioner would submit that similarly placed co-accused have been granted bail by the trial Court in Crl.MP.No.3099 of 2020 dated 18.12.2020.

6. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels and the fact that the victim has been discharged from hospital and that 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, Ambattur, 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 the 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/-

22/12/2020

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,
AMBATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
T-3, KORATTUR POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

+1 CC to M/S.P.PARTHIPAN Advocate on payment of necessary charges SR.NO.8566

CRL OP.20546/2020

Date :22/12/2020

TA-23/12/2020

<https://hcservices.ecourts.gov.in/hcservices/>