

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.20453 of 2020

Sankar

... Petitioner

Vs.

State rep by

... Respondent

Inspector of Police,
Madhuravoyal Police Station,
Chennai.

(Crime No.1335 of 2020)

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioner on bail in Crime No.1335 of 2020 on the file of the respondent police.

For Petitioner : Mr.V.Devendhiran

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 27.08.2020 for the offence punishable under Sections 147, 148, 294(b), 307 and 506(ii) of IPC, in Crime No.1335 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant Vignesh is that on 22.08.2020 around 9.30 p.m., due to previous enmity, the petitioner along with his associates, assaulted the defacto complainant and his friends with knives and wooden logs. Hence, the complaint.

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 submit that this is the second application for bail and the earlier application for bail was dismissed by this Court on the ground that proceeding had been initiated against the petitioner under Section 110 Cr.P.C. and that the petitioner was detained pursuant to the order passed by the

Deputy Commissioner of Police. He would further submit that the petitioner challenged the order of detention in CrI.R.C.No.1028 of 2020 before this Court and the detention has been stayed and the sentence of the petitioner has been suspended in CrI.M.P.No.7154 of 2020 by order dated 08.12.2020. He would further submit that the injured has been discharged from the hospital. Hence, he seeks for grant of bail to the petitioner.

4.The learned Government Advocate (CrI. Side) appearing for the respondent would vehemently oppose stating that the petitioner is a notorious element against whom there are five cases pending out of which one for murder. He would submit that due to previous enmity, the petitioner along with his associates, assaulted the defacto complainant and his friends with knives and wooden logs.

5. At this juncture, the learned Counsel for the petitioner would submit that a very reading of F.I.R. would show that this case is foisted for the purpose of detaining the petitioner for some more period.

6. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsel for the petitioner that the detention order has been stayed and the sentence has been suspended 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-II, Poonamallee**, 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. and 5.30 p.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,
NO.II, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MADHURAVOYAL POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S.V.DEVENDHIRAN Advocate on payment of necessary charges SR.NO.8606

WEB COPY
CRL OP.20453/2020
Date :22/12/2020

TA-23/12/2020