

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.12.2020

CORAM :

THE HON'BLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P.No.20861 of 2020

Rajkumar

... Petitioner

Vs.

State rep. By
The Inspector of Police,
Needamangalam Police Station,
Tiruvarur District
(Crime No.257 of 2019)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.257 of 2019 pending investigation on the file of the respondent police.

For Petitioner : Mr.N.Palanivel

For Respondent : Mr.K.Madhan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 15.02.2020 for the offences punishable under Section 294 (b), 324, 506(ii), 307, r/w. 212 IPC @ 294(b), 324, 506(ii), 307 r/w 212, 34, 109 IPC, in Crime No.257 of 2019 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity, the petitioner sprinkled chilly powder on the defacto complainant and attacked him with aruval, thereby, the defacto complainant sustained injuries.

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 petitioner was originally arrested on 15.02.2020 and was detained under Act 14 and. The detention order was subsequently revoked by this Court vide order dated 07.12.2020 in H.C.P.No.722 of 2020. Accordingly, prays for grant of bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner due to previous enmity, sprinkled chilly power on the defacto complainant and assaulted him with aruval. He would further submit that the detention order of the petitioner was quashed by this Court on 07.12.2020 in H.C.P.No.722 of 2020. He would further submit that charge sheet has been filed and taken in P.R.C.No.11 of 2019 and the case stands posted on 06.01.2021 and the petitioner is a notorious criminal and there are twenty previous cases pending against him.

5.Heard the learned Counsel on either side. Perused F.I.R. and other materials placed on record.

6.Overall consideration of the facts, the nature of accusation, the nature of offences, the materials in support of the accusation and the circumstances of the case and the period of detention of the petitioners in the judicial custody, 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.25,000/- (Rupees Twenty Five Thousand only), with two sureties each for a like sum to the satisfaction of the learned **District Munsif Cum Judicial Magistrate, Needamangalam**, 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. 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 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/-

30/12/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, NEEDAMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NEEDAMANGALAM POLICE STATION,
TIRUVARUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

+1 CC to M/S.N.PALANIVEL Advocate on payment of necessary charges SR NO 8748

CRL OP.20861/2020

Date :30/12/2020