

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.12.2020

CORAM :

THE HON'BLE Mr. JUSTICE V.SIVAGNANAM

Crl.O.P.No.20922 of 2020

Karthick @ Ramraj @ Thimmarayan

... Petitioner

- Vs. -

The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.
(Crime No.1224 of 2020).

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail in connection with the Crime No.1224 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.E.Kannadasan

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

ORDER

(The case has been heard through video conference)

The petitioner, who were arrested and remanded to judicial custody on 16.12.2020 for the offences punishable under Sections 307 of the Indian Penal Code, 1860 r/w Section 25(1B)(a), 27(1) of the Indian Arms Act 1959, in Crime No.1224 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution is that when the petitioner came with drunken mood, asked the defacto complainant's mother to give matchbox. On refusal of the same, he has taken the country made gun from his house and fired on the defacto complainant. Due to which, she sustained injuries on her right side neck and shoulder and admitted in the hospital. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely

implicated in this case. Further the learned counsel would submit that it was happened only on accidental and there was no motive between them and he prays for grant of bail.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that on 20.092020, the petitioner asked the defacto complainant's mother to give matchbox. On refusing the same, he brought the country made gun from his house and opened fire on the defacto complainant. Due to which, she sustained injuries on her right side neck and shoulder. Thereafter, her family members admitted her in hospital. The victim has been discharged from hospital. However, the learned Government Advocate opposed to grant of bail to the petitioner.

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 petitioner 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 **Judicial Magistrate-I, Krishnagiri**, 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.

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 JUDICIAL MAGISTRATE,
NO.I, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE,
KRISHNAGIRI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KRISHNAGIRI TOWN POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE OFFICER INCHARGE,
SUB JAIL, HOSUR.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.20922/2020

Date :30/12/2020

MN-31/12/2020