

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.12.2020

CORAM :

THE HON'BLE Mr. JUSTICE V.SIVAGNANAM

CRL.O.P.No.21029 of 2020

Saravanan @ Brinji Saravanan

.. Petitioner

State represented by
The Inspector of Police
E-5, Sholavaram Police Station
Thiruvallur District
(Crime No.4986 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.4986 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.M.Udayavani

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 05.10.2020 for the offence punishable under Sections 147, 148, 341, 294(b), 324, 506(ii) IPC and 307 IPC in Crime No.4986 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution as per the *de facto* complainant is that the petitioners abused the defacto complainant in filthy language and also assaulted him with knife.

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 further submit that the petitioner has been suffering incarceration from 05.10.2020 and that the injured has been discharged from the hospital. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing

for the respondent would vehemently oppose stating that the accused

were having enmity with one Sethupathi who involved in illegal activities. Therefore, on the date of occurrence, the petitioner along with others, misidentified that the defact complainant is the informer of the said Sethupathi and assaulted him with knife. He would further submit that the petitioner has got five previous cases of hurt case and that that the injured has been discharged from the hospital.

5. 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-II, Ponneri**, 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 shall appear before the respondent police every day 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/-
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-II,
PONNERI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-5, SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

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

CRL OP.21029/2020

Date :30/12/2020

WEB COPY

MN-31/12/2020