

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.12.2020

CORAM :

THE HON'BLE Mr.JUSTICE V.SIVAGNANAM

CRL.O.P.No.21045 of 2020

Bala @ Balakrishnan

.. Petitioner/Accused No.1

Vs.

The State represented by,
The Inspector of Police,
M-8, Sathangadu Police Station,
Chennai.

Crime No. 2287 of 2020.

.... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with Crime No. 2287 of 2020, on the file of the respondent police.

For Petitioner : Mr.M.Jaishankar

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 11.12.2020 for the offence punishable under **Sections 147, 148, 294 (b), 323, 342, 307 of IPC in Crime No.2287 of 2020** on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Narendran is that on 16.08.2020, his cousin had lost his cell phone and while the defacto complainant was searching for the cell phone in a play ground, he had enquired with the petitioner along with six other accused about the cell phone due to which, the accused persons got angry and they have assaulted the defacto complainant with hands and quarreled with him. At that time all the accused have caught hold of the defacto complainant and the petitioner/A1 had stabbed the defacto complainant in his neck with knife, due to which, the defacto complainant sustained injuries and he was admitted in the hospital. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that even as per FIR, the incident had happened only due to sudden quarrel and that there was no enmity between them. He would further submit that the co-accused in this case have been granted bail by this Court in CrI.O.P.Nos.13589, 14530 & 15070 of 2020. Hence, he prays to grant bail to the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for the respondent would submit that the co-accused caught hold of the defacto complainant and the petitioner/A1 had stabbed the defacto complainant with knife. He would further submit that the victim has been discharged from the hospital after three days and that there are two previous cases pending against the petitioner. Hence, he opposed to grant bail to the petitioner.

5. Heard both sides and perused the FIR 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 petitioners 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, Thiruvottiyur** 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.

7. 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, THIRUVOTTIYUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON-II, PUZHAI, CHENNAI

5 THE INSPECTOR OF POLICE, M-8,
SATHANGADU POLICE STATION, CHENNAI.

+1 CC to M/S.M.JAISHANKAR Advocate on payment of necessary charges SR.NO.8737

CRL OP.21045/2020

Date :30/12/2020

GKS:30/12/2020