

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.235 of 2021

Umapathy

... Petitioner

Vs.

State Rep. by
Inspector of Police,
E-5 Sholavaram Police Station,
Tiruvallur.
(Crime No.517 of 2019)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.517 of 2019 on the file of respondent police.

For Petitioner : Ms.S.Priyanka

For Respondent : Mrs.M. Prabavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

Totally, there are four accused and the petitioner is arrayed as 3rd accused. The petitioner, who was arrested and remanded to judicial custody on 04.11.2020 for the offence punishable under Sections 294, 324, 307 of IPC and Section 4 of W.H. Act, in Crime No.517 of 2019, seeks bail.

2. The case of the prosecution is that due to some previous enmity, the petitioner has entered into the house of the defacto complainant's house and attacked her with iron rod, thereby caused injuries to her. Hence, a criminal case was registered against the petitioner and accordingly, he was arrested and remanded to judicial custody on 04.11.2020.

3. The learned counsel appearing for petitioner would submit that due to some previous enmity, the present complaint has been given against the petitioner. It is also stated that the co-accused A1, A3 and A4 were arrested and already released on bail. The petitioner is in custody from 04.11.2020. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner is a notorious rowdy and he is having four previous criminal cases. He along with other accused have went to the defacto complainant's house and attacked her with iron rod, thereby caused injury to the defacto complainant. He would also submit that the other arrested co-accused were released on bail. However, she opposed to grant bail to the petitioner.

5. Considering the fact that the occurrence taken place on 06.09.2019, now the injured was discharged from the hospital, the other arrested co-accused were already released on bail, 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 No.II, Pooneri 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 daily 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 55601;

(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 is ordered.

-sd/-
11/01/2021

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,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
E-5 SHOLAVARAM POLICE STATION,
TIRUVALLUR.

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

CRL OP.235/2021

Date :11/01/2021

MK:11/01/2021