

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.1152 of 2021

Rakki Raj @ Karthi

... Petitioner

Vs.

The State Rep. by
Inspector of Police,
Kilkodungalore Police Station,
Kilkodungalore,
Tiruvannamalai District.
(Crime No.127/2018)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No. 127 of 2018 on the file of the respondent.

For Petitioner : Mr. B.Jawahar

For Respondent : Mr.M. Prabavathi,
APP

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 15.12.2020 for the alleged offence under Sections 147, 148, 149, 341, 294(b), 323, 324, 506(ii) and 307 of IPC in Crime No.127 of 2018, seeks bail.

2. The case of the prosecution is that totally, there are 11 accused in this case and the petitioner is A8. Due to previous enmity, all the accused joined together and attacked the defacto complainant and her sons using knife and wooden log and caused serious injuries to them. Hence, the case has been registered against the petitioner and others.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. No specific overtact has been attributed as against the petitioner. He would submit that A3, A9, A10 and A11 were granted anticipatory bail. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that all the accused joined together and attacked the defacto complainant and her sons and caused grievous injuries to them. She would submit that injured has been discharged from the hospital and investigation has also been completed and no previous case is pending as against the petitioner.

5. Taking into consideration the facts and circumstances of the case and the fact that similarly placed accused were granted anticipatory bail and there is no previous case pending as against the petitioner and also the fact that injured has been discharged from the hospital 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, Vandavasi 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/-
04/02/2021

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,
VANDAVASI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KILKODUNGALORE POLICE STATION,
KILKODUNGALORE,
THIRUVANNAMALAI DISTRICT.

+1CC to M/S.B.JAWAHAR Advocate on payment of necessary charges SR NO.1135

CRL OP.1152/2021

Date :04/02/2021

MK:05/02/2021