

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.2438 of 2021

Sarath @ Sarathkumar

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Roshanai Police Station,
Tindivanam.
(Crime No.47 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.47 of 2021 on the file of respondent police.

For Petitioner : Mr.S.Jayaprakash

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 A2. The petitioner, who was arrested and remanded to judicial custody on 21.01.2021 for the offence punishable under Sections 147, 148, 294 (b), 324, and 307 of I.P.C. in Crime No.47 of 2021, seeks bail.

2. The case of the prosecution is that on the date of occurrence, there is a wordy quarrel between two group of people, in which the petitioner said to have attacked the defacto complainant with a weapon, thereby, caused serious injury to him. Hence, he was arrested and remanded to judicial custody on 21.01.2021. It is a case in counter case. Earlier, the defacto complainant attacked the petitioner and other accused, thereby caused injury. Hence, they have also filed a complaint against the defacto complainant in Crime No.46 of 2021. As a counter-blast, the present complaint has been filed. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that he is an innocent person and he is no way connected with the occurrence between the groups. He would submit that has been falsely implicated in the present case. He would submit that now the injured also discharged from the hospital and he is in custody from 21.01.2021. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that on the date of occurrence, there is a wordy quarrel between two groups, in which, the petitioner said to have attacked the defacto complainant and got injured. She would submit that there are four accused, except the petitioner, all other accused are still absconding and the injured was discharged from the hospital. She would also submit that it is a case in counter. Hence, she opposed to grant bail to the petitioner.

5. Considering the fact that the occurrence took place between two groups, it is a case in counter, and the injured also discharged from the hospital, and also considering the period of incarceration suffered by the petitioner from 21.01.2021, 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-I, Tindivanam 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. for the period of two weeks ;

(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 is ordered.

-sd/-
12/02/2021

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,
NO.I, TINDIVANAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE OFFICER INCHARGE
SUB-JAIL, VILLUPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ROSHANAI POLICE STATION,
TINDIVANAM DISTRICT.

+1 CC to M/S.S.JAYAPRAKASH Advocate on payment of necessary charges
SR.NO.1498

CRL OP.2438/2021

Date :12/02/2021

cs 15/02/2021