

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2449 of 2021

Deenadayalan

... Petitioner

Vs.

State Rep. by

The Inspector of Police,
Mamallapuram Police Station,
Chengalpattu Dt.

(Crime No.23 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.23 of 2021 on the file of respondent police.

For Petitioner : Mr.S.Sugendran

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

O R D E R

(The case has been heard through video conference)

Totally, there are eight accused and the petitioner is arrayed as A8. The petitioner, who was arrested and remanded to judicial custody on 17.01.2021 for the offence punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) and 307 of I.P.C. r/w 3(1)(x) of SC/ST Act in Crime No.23 of 2021, seeks bail.

2. The case of the prosecution is that there was a wordy quarrel between two groups, in which, the petitioner and other accused said to have abused the defacto complainant, who belongs to scheduled caste, by mentioning his caste name and also attacked him, thereby caused grievous injuries to him. Hence, a criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 17.01.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that the petitioner and the defacto complainant are neighbours, due to a civil dispute, there was a wordy quarrel arose between the parties, in which, both parties attacked each other and there is a counter case in Crime No.24 of 2021. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused abused the defacto complainant by mentioning his caste name and caused serious injuries to him. She would further submit that now, the injured has been discharged from the hospital and there is a case in counter in Crime No.24 of 2021. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that there is a case in counter, 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 Principal Sessions Judge, Chengalpattu 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 and thereafter as and when required for interrogation;

(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/-
15/02/2021

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 PRINCIPAL SESSIONS JUDGE,
CHENGALPATTU.

2 THE OFFICER INCHARGE,
SUB JAIL, PONNERI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MAMALLAPURAM POLICE STATION,
CHENGALPATTU DISTRICT.

+1CC to M/S.S.SUGENDRAN Advocate on payment of necessary charges SR NO.1501

CRL OP.2449/2021

Date :15/02/2021

MK:16/02/2021

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