

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.2928 of 2021

Jagan @ Jaganathan

... Petitioner

Vs.

The Inspector of Police,
H-6, R.K. Nagar Police Station,
Chennai

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.33/2021 on the file of the respondent police.

For Petitioner : Mr. S.N.A.Hussainy

For Respondent : Mrs. M. Prabhavathi,
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 27.01.2021 for the offence punishable under Sections 294(b), 341, 323, 307 and 506(ii) of IPC in Crime No.33 of 2021, seeks bail.

2. Totally, there are three accused and the petitioner is A1. The case of the prosecution is that due to previous enmity, on the date of occurrence, the petitioner and other accused waylaid the de-facto complainant, abused him in filthy language and assaulted him with knife and caused grievous injuries to him. Hence the complaint came to be registered.

3. The learned counsel for the petitioner would submit that due to previous enmity, he has been falsely implicated in this case. Now, injured has been discharged from the hospital. The petitioner is in jail from 26.01.2021. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is a notorious rowdy element and he has having two previous cases. She would also submit that now investigation is almost completed and injured has been discharged form the hospital. However, she vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case, and the fact that now injured has been discharged from the hospital and now investigation is almost completed and also taking note of 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 XV Metropolitan Magistrate, G.T. Court, Chennai, 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 stay at Nagapattinam and report before the Town Police Station, Nagapattinam, 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 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/-
08/03/2021

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 METROPOLITAN MAGISTRATE
NO.XV, GEORGE TOWN COURT, CHENNAI

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
H-6, R.K.NAGAR POLICE STATION,
CHENNAI.

6 THE OFFICER INCHARGE,
TOWN POLICE STATION,
NAGAPATTINAM.

+1 CC to M/S.S.N.A.HUSSAINY Advocate on payment of necessary charges SR.No.2929

WEB COPY

CRL OP.2928/2021

Date :08/03/2021

cs 09/03/2021