

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3210 of 2021

B. Periyapandi

... Petitioner

Vs.

State rep by its
The Inspector of Police,
D-5 Merina Police Station,
Chennai.
Cr.No.19 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.19 of 2021 on the file of the respondent police.

For Petitioner : Mr. R. Udayakumar

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 20.01.2021 for the offence punishable under Sections 294(b), 324, 307, 506(ii) of IPC in Crime No.19 of 2021, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that the petitioner and the injured are closed friends. On 19.01.2021, while they were consuming liquor, wordy quarrel arose between them, in which, the petitioner said to have attacked the deceased with beer bottle and caused serious injuries to him. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner and the injured are close friends. While consuming liquor, the victim abused the mother of the petitioner. Hence, on a sudden provocation, the petitioner attacked the injured. The petitioner has no motive to attack the victim. Now, injured has been discharged from the hospital. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner caused serious injuries in both the eyes of the victim and he is still taking treatment in the hospital. Investigation yet to be completed. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstance of the case, and the fact that in a wordy altercation between the friends, only due to sudden provocation the petitioner has attacked the victim 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 II Metropolitan Magistrate, Egmore, 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 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 petitioners 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/-
01/03/2021

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.II,
EGMORE.

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,
D-5 MERINA POLICE STATION,
CHENNAI-600 004.

+1CC to M/S.R.UDAYAKUMAR Advocate on payment of necessary charges SR NO.2493

CRL OP.3210/2021

Date :01/03/2021

MK:02/03/2021

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