

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.3217 of 2021

Lottery Settu @ Settu

... Petitioner

Vs.

The State Rep. by

The Inspector of Police,
Karipatti Police Station,
Salem District.

Crime No.133 of 2018

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.133 of 2018 pending investigation on the file of the Respondent.

For Petitioner : Mr. C.Kulanthaivel

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 147, 148, 341, 294(b), 324 and 307 of IPC in Crime No.133 of 2018, seeks bail.

2. Totally, there are 10 accused and the petitioner is A7. The case of the prosecution is that due to some previous enmity, all the accused persons joined together and said to have waylaid the victim and attacked him with wooden log and caused grievous injuries to him. Hence, a complaint came to be registered.

3. The counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that even the name of the petitioner is also not found place in the first Information Report and no overtact has been attributed as against this petitioner. Some of the co-accused in this case have already been released on bail. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor would submit that due to previous enmity, the petitioner along with other accused persons brutally attacked the victim and caused serious injuries to him. Now, injured has been discharged from the hospital and investigation is

almost completed. However, she opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstance of the case, and the fact that co-accused in this case have already been released on bail 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 District Munsif cum Judicial Magistrate, Vazhapaddi 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 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/-

22/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VAZHAPADI

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KARIPATTI POLICE STATION,
SALEM DISTRICT

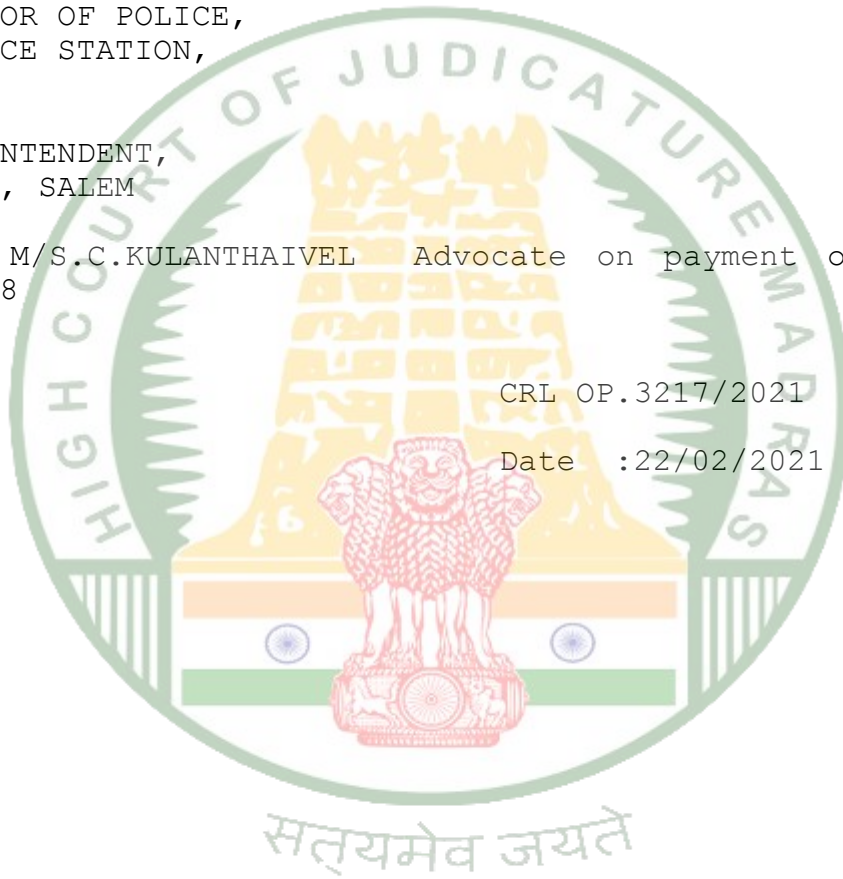
5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

CC to M/S.C.KULANTHAIVEL Advocate on payment of necessary
charges Sr.2048

CRL OP.3217/2021

Date :22/02/2021

RVR 23/02/2021



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