

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4013 of 2021

S.Hariprasad

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
P-2 Otteri Police Station,
Chennai.
(Crime No.73 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.73 of 2021 on the file of respondent police.

For Petitioner : Mr.D.Vijay

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

O R D E R

(The case has been heard through video conference)

Totally, there are five accused and the petitioner is arrayed as A4. The petitioner, who was arrested and remanded to judicial custody on 26.01.2021 for the offence punishable under Sections 294(b), 324, 307 and 506(ii) of I.P.C., in Crime No.73 of 2021, seeks bail.

2. The case of the prosecution is that on 23.01.2021 while the defacto complainant, who was a flower vendor sleeping in the platform, all the accused persons, in an inebriated mood, making noise and when she questioned the same, all the accused attacked her with knife and caused serious injury. Hence, the criminal case has been registered against the petitioner, he was arrested and remanded to judicial custody on 26.01.2021. 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 offence as alleged in the complaint. He would submit that his name not found in the F.I.R. and he has been falsely implicated in the present case. He would submit that the similarly placed A3 and A5 were arrested and released on bail and the injured was also discharged from the hospital. He would submit that the petitioner was in jail from 26.01.2021. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that all the accused are rowdy elements and on the date of occurrence, when the injured lady was sleeping in the platform, all the accused persons have raised noise, and when the same was questioned by the defacto complainant, they have attacked her with knife, thereby caused serious injury. She would submit that A3 and A5 were arrested and released on bail and the injured was also discharged from the hospital. However, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that, the similarly placed accused were arrested and released on bail, investigation is almost completed, there is no bad antecedents pending against the petitioner, the injured was discharged from the hospital and also considering the period of incarceration suffered by the petitioner from 26.01.2021, 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 X Metropolitan Magistrate, Egmore, 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, 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/-

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.X, EGMORE, CHENNAI.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
P-2 OTTERI POLICE STATION,
CHENNAI.

+1 CC to M/S.D.VIJAY Advocate on payment of necessary charges
SR.No.2485

CRL OP.4013/2021

Date :01/03/2021

cs 02/03/2021