

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.4292 of 2021

Risk Basker

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Sipcot Police Station,
Thiruvallur District.
(Crime No.07 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.07 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr. C. Arivazhagan

For Respondent : Mr.M. Prabavathi,
APP

O R D E R

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 17.01.2020 for the offence punishable under Section 147, 148, 294(b), 448, 307 and 506(ii) IPC and Section 3 of TNPPDL Act 1959 in Crime No.07 of 2021, seeks bail.

2. Totally there are 7 accused and the petitioner is A1. The allegation is that all the accused went to the shop of the defacto complainant and after taking refreshments they refused to pay the amount and when the defacto complainant questioned the same, they attacked the defacto complainant and also damaged the glass containers containing biscuits. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that there was only wordy quarrel between the petitioner and the defacto complainant and he has not caused any damages. He would further submit that the petitioner has been falsely implicated in this case and he is in judicial custody for more than 50 days. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner along with other accused after taking refreshments from defacto complainant's shop, refused to pay the bill and attacked the defacto complainant and also caused damages to the shop . She would further submit that the petitioner is a rowdy element and there are 6 previous cases against the petitioner and investigation was almost completed. Hence, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the fact that the investigation was almost completed 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 at Gummidipoondi 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 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/-
10/03/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
GUMMIDIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB-JAIL, PONNERI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S.C.ARIVAZHAGAN Advocate on payment of necessary charges

CRL OP.4292/2021

MK:10/03/2021

Date :10/03/2021

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