

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.4513 of 2021

Senthilkumar

... Petitioner

Vs.

State rep. by

... Respondent

The Inspector of Police,
Gangavalli Police Station,
Salem.

(Crime No.58 of 2021)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.58 of 2021 on the file of Respondent police.

For Petitioner : Mr.M.R.Franklin

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

ORDER

(The case has been heard through video conference)

Totally, there are three accused and the petitioner is arrayed as A3. The petitioner, who was arrested and remanded to judicial custody on 04.02.2021 for the offence punishable under Sections 294(b), 323, 324, 506(ii), 427 of I.P.C. in Crime No.58 of 2021 on the file of respondent police, seeks bail.

2. The allegation in the complaint is alleging that the injured is an informant to the police and he has informed about the illegal quarry conducted by the petitioner and they have attacked the injured person, thereby caused injury. Hence, a criminal case has been registered against the petitioner, he was arrested and remanded to judicial custody on 04.02.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel appearing for petitioner would submit that he is an innocent person and due to previous enmity between the petitioner and the defacto complainant, a false case has been registered against the petitioner. He would submit that he is no way connected with the offence as alleged in the complaint, and he is in jail from 04.02.2021. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would oppose this petition on the ground that totally, there are three accused. She would submit that A1 and A2 are still absconding and the petitioners are involved in a illegal quarry. She would also submit that all the accused have alleged that the injured person only has given the information, and they have attacked him. Now, the injured was discharged from the hospital. Now, the petitioner is in jail for more than one month. However, she opposed to grant bail to the petitioner.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioner as well as learned Addl. Public Prosecutor appearing for respondent.

6. Taking into consideration of the fact that, the occurrence taken place due to previous enmity, now the injured was discharged from the hospital, the investigation is almost completed, there is no previous antecedents against the petitioner and considering the period of incarceration suffered by the petitioner from 04.02.2021, 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 Judicial Magistrate No.II, Attur 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, after his release from prison, report before the respondent 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.

7. 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 JUDICIAL MAGISTRATE NO.II,
ATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
SALEM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GANGAVALLI POLICE STATION,
SALEM.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

CC to M/S.M.R.FRANKLIN Advocate on payment of necessary charges

WEB COPY

CRL OP.4513/2021

Date :08/03/2021

MN-09/03/2021