

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.4565 of 2021

Ranjithraj

... Petitioner

Vs.

State rep. by
The Inspector of Police,
M-4 Redhills Police Station,
Chennai.
(Crime No.4005 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.4005 of 2020 on the file of Respondent police.

For Petitioner : Mr.M.Mohamed Yasin

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

O R D E R

(The case has been heard through video conference)

Totally, there are six accused and the petitioner is arrayed as A2. The petitioner, who was arrested and remanded to judicial custody on 11.02.2021 for the offence punishable under Sections 147, 148, 341, 294(b), 324, 307, 506(ii) of I.P.C. in Crime No.4005 of 2020 on the file of respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, all the accused attacked the defacto complainant's husband with knife, thereby caused serious injury, and thereafter, they have escaped from the scene of occurrence. Hence, a criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 11.02.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel appearing for petitioner would submit that the petitioner is an innocent person, he has been falsely implicated in this case and he has not involved in the offence. He would submit that due to previous enmity, the defacto complainant had foisted a false case against the petitioner. He would submit that earlier, he was arrested in another criminal case in the month of December 2020 and subsequently on 11.02.2021, on PT warrant, the petitioner was arrested. Now, the other arrested co-accused was released on bail. He would submit that now the injured was discharged from the hospital and the investigation is almost completed. He would submit that he is in jail from 11.02.2021. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent has strongly opposed this petition on the ground that the petitioner is a notorious rowdy element, and he has four previous cases. In this case, due to previous enmity, he has attacked the defacto complainant and caused serious injury. She would submit that except A1 and A6, the other accused are still absconding and the other arrested co-accused were released on bail. 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 other arrested co-accused were released on bail, the injured was discharged from the hospital, the investigation is almost completed, and considering the period of incarceration suffered by the petitioner for more than one month, 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, Ponneri 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, shall 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/-
12/03/2021

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,
PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
M4-REDHILLS POLICE STATION,
CHENNAI.

+1 CC to M/S. M .MOHAMED YASIN Advocate on payment of necessary
charges SR.No.3244

CRL OP.4565/2021

Date :12/03/2021

cs 15/03/2021