

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.4953 of 2021

Jayakumar

... Petitioner

Vs.

State Represented by
The Inspector of Police,
Brammadesam Police Station,
Villupuram.
(Crime No.1702 of 2020)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in FIR in Crime No.1702 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Krishnamoorthy

For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 28.12.2020 for the offences punishable under Section 307 of IPC in Crime No.1702 of 2020, seeks bail.

2. Totally, there are 3 accused and the petitioner is arrayed as A2. The case of the prosecution is that the injured in this case had extra marital relationship with A1's wife, and, there was enmity between the parties. Due to the same, all the accused driven the car and dashed against the injured with an intention to murder him and caused serious injuries to him. So far as this petitioner is concerned, he only drove the car at the time of occurrence. Hence, he was arrested on 28.12.2020 and now, seeking bail the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the petitioner is only the driver of the car and he has no intention to cause injury to the defacto complainant's son and he is in jail from 28.12.2020. Hence, he prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that all the accused persons with an intention to commit murder, dashed the car against the injured. Now, the injured has been discharged from the hospital. Hence, she opposed to grant bail to the petitioner.

5. Considering the facts and circumstance of the case and 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 Judicial Magistrate No.II, Tindivanam, 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., for a period of two weeks and thereafter, as and when required for interrogation;

(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/-
11/03/2021

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,
TINDIVANAM,

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BRAMMADESAM POLICE STATION,
VILLUPURAM.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

+1 CC to M/S.M.KRISHNAMOORTHY Advocate on payment of necessary charges SR.NO.3195

CRL OP.4953/2021

Date :11/03/2021

TA-12/03/2021

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