

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.5624 of 2021

Ajay @ Sanjay

... Petitioner

Vs.

State rep. by
The Inspector of Police,
E5 Sholavaram Police Station,
Tiruvallur Dt.
(Crime No.4986 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Cr.No.4986 of 2020 on the file of the respondent Police.

For Petitioner : Mr.M.Mohamed Yasin

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

ORDER

(The case has been heard through video conference)

Totally, there are five accused and the petitioner is arrayed as A5. The petitioner, who was arrested on PT Warrant on 06.01.2021 and remanded to judicial custody for the offence punishable under Sections 147, 148, 341, 294(b), 324, 506(ii) of I.P.C. and later altered as Sections 147, 148, 294(b), 324, 506(ii) and 307 of I.P.C., in Crime No.4986 of 2020, seeks bail.

2. The case of the prosecution is that both the accused and the defacto complainant are rowdy elements. On the date of occurrence, there was a quarrel, in which, the petitioner said to have attacked the defacto complainant, thereby caused injury. Hence, the criminal case was registered against the petitioner and he was arrested on PT Warrant on 06.01.2021. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that investigation is almost completed, the petitioner is in jail from 06.01.2021 and the injured was also discharged from hospital. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the co-accused was arrested and released on bail and all the accused are rowdy elements. Due to some enmity, they have attacked the defacto complainant, thereby caused injury. She would submit that out of 10 accused, three accused were arrested and another five accused are still absconding. She would submit that this petitioner was arrested on PT Warrant, now the investigation is almost completed and the injured was also discharged from the hospital. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that the co-accused was arrested and released on bail, investigation is almost completed, the injured was discharged from the hospital and also considering the period of incarceration suffered by the petitioner from 06.01.2021, 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 Judicial Magistrate-II, 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 police 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/-
22/03/2021

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,
PONNERI.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E5-SHOLAVARAM POLICE STATION,
THIRUVALLUR.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

+1 CC to M/S.M .MOHAMED YASIN Advocate on payment of necessary charges SR NO. 3729

सत्यमेव जयते

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Date :22/03/2021

MN-23/03/2021