

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.5341 of 2021

Keerthi @ Chinna

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Vellavedu Police Station,
Thiruvallur District
(Crime No.75 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.75 of 2021 on the file of the respondent police.

For Petitioner : Mr. K.T.S.Sivakumar

For Respondent : Mrs. M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 24.02.2021 for the offence punishable under Sections 294 (b), 324 and 307 of IPC in Crime No.75 of 2021, seeks bail.

2. Totally, there are 3 accused and the petitioner is arrayed as A4. The case of the prosecution is that the brother of the defacto complainant has constructed hotel, wherein, A1 to A3 said to have urinated, when he questioned the same, all of them attacked him with knife and wooden log and caused grievous injuries to him. The allegation as against this petitioner is concerned, he is brother of A1 and he said to have attacked the defacto complainant with wooden reaper. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner is no way connected with the offence. The main overtact is attributed only as against A1 to A3. Since the petitioner is brother of A1, he has been falsely implicated in this case. He is in

been discharged from the hospital. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed stating that A1 to A3 attacked the brother of the defacto complainant and caused serious injuries to him. When the defacto complainant tried to prevent them, this petitioner, who is brother of A1, attacked the defacto complainant with wooden reaper and caused injuries.

5. Considering the facts and circumstances of the case, and the fact that there is no specific overtact attributed as against this petitioner, 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, Poonthamallee, Thiruvallur 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, on release from the prison, 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/-
17/03/2021

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,
POONTHAMALLEE, THIRUVALLUR DISTRICT.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VELLAVEDU POLICE STATION,
THIRUVALLUR DISTRICT.

5 THE OFFICER INCHARGE,
SUB JAIL, PONNERI.

+1 CC to M/S.K.T.S.SIVAKUMAR Advocate on payment of necessary charges SR NO. 3528

CRL OP.5341/2021

Date :17/03/2021

MN-18/03/2021

<https://hcservices.ecourts.gov.in/hcservices/>