

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.03.2021

CORAM :

THE HON'BLE MR.JUSTICE P.VELMURUGAN

CrI.O.P.No.5618 of 2021

Ram @ Ramkumar

... Petitioner

Vs.

State Rep. by
Inspector of Police,
Auroville Police Station,
Vanur Taluk,
Villupuram District.
(Crime No.62 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.62 of 2021 on the file of the respondent police.

For Petitioner : Mr. S. Anburaja

For Respondent : Mrs. M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested on 08.03.2021 and remanded to judicial custody on 10.03.2021 for the offence punishable under Sections 294(b), 323, 307 of IPC in Crime No.62 of 2021, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that on the date of occurrence, the petitioner said to have attacked the defacto complainant with dangerous weapon and caused grievous injuries to him. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that even though the petitioner was arrested on 08.03.2021 by the "D"Nagar Police, Pondicherry, no case was registered against him till 10.03.2021. Subsequently, mother of the petitioner filed a petition under Section 97 of Cr.P.C., before the Judicial Magistrate No.1, Pondicherry. Subsequently, the said police was directed to produce the petitioner before the Court or set him free from illegal custody. Only thereafter, the present crime has been registered as against the

petitioner. He would further submit that no one sustained injury in this case. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent opposed to grant bail to the petitioner.

5. Heard both sides and perused the materials available on records carefully.

6. From the perusal of the records, it could be seen that in the instant case, no one sustained injury.

7. Considering the facts and circumstances of the case and also the fact that no one sustained injury in this case, 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, Vanur, Villupuram District, 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 shall report before the respondent police, once in a week, i.e. on every Monday, at 10.30 a.m., till the date of filing charge sheet;

(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.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-
29/03/2021

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,
VANUR, VILLUPURAM DISTRICT.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AUROVILLE POLICE STATION,
VANUR TALUK, VILLUPURAM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

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

WEB COPY

CRL OP.5618/2021

Date :29/03/2021

MN-30/03/2021