

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.5715 of 2021

Kumar

... Petitioner

Vs.

State Rep. by

The Sub-Inspector of Police,
Mangalam Police Station,
Thiruvannamalai District.
(Crime No.52 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.52 of 2021 on the file of the respondent police.

For Petitioner : Mr. S. Anburaja

For Respondent : Mrs. M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 08.03.2021 for the offence punishable under Sections 294(b), 323 and 307 of IPC in Crime No.52 of 2021, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that due to wordy quarrel, the petitioner said to have attacked the defacto complainant with knife and caused injuries to him. Hence, he was arrested on 08.03.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He is in jail from 08.03.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that injured has been discharged from the hospital and investigation is almost completed. She would further submit that no previous case is pending as against the petitioner.

5. Considering the facts and circumstances of the case, and the fact that investigation is almost completed and injured has been discharged from the hospital, there is no previous case pending as against the 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, Thiruvannamalai, Thiruvannamalai 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, on release from the prison, shall report before the respondent police 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.

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

-sd/-
23/03/2021

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,
THIRUVANNAMALAI, THIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB-JAIL, THIRUVANNAMALAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB-INSPECTOR OF POLICE,
MANGALAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

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

CRL OP.5715/2021

Date :23/03/2021

MK:24/03/2021

WEB COPY