

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.5917 of 2021

Viji @ Vijayakumar

... Petitioner

Vs.

State rep.by
The Inspector of Police,
Thiruvallur Town Police Station,
Thiruvallur District.
(Crime No.105 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.105 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Sasikumar

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 04.03.2021 for the offence punishable under Sections 294(b), 323, 324, 506(ii) and 307 of IPC in Crime No.105 of 2021, seeks bail.

2. Totally, there are 3 accused and the petitioner is arrayed as A3. The case of the prosecution is that on 19.02.2021, due to business motive, the petitioner along with other accused went to the work place of the defacto complainant and abused them in filthy language. A2 and this petitioner attacked the defacto complainant with hands and thereafter A1 attacked the employee of the defacto complainant with knife and caused serious injuries to him. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that there is a business motive between A1 and the defacto complainant. Even as per the First Information Report, the petitioner only attacked the defacto complainant with hands. A1, in this case, only attacked the employee of the defacto complainant and caused serious injuries to him. Now, injured has been discharged from the hospital. He is in jail from

04.03.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing would submit that all the petitioner and other accused are indulged in illegal sand mining. Due to which, there was dispute between the accused and the defacto complainant, where, all the accused attacked the defacto complainant and his employee and caused serious injuries to him.

5. I have considered the submissions made on either side and perused the materials available on records carefully.

6. Considering the above said facts and circumstances of the case, and the fact that the main overtact has been attributed as against other accused and 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.I, 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.

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

-sd/-
25/03/2021

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.I,
THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE OFFICER INCHARGE,
SUB JAIL, THIRUVALLUR.

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges
SR NO. 4005

सत्यमेव जयते
WEB COPY

CRL OP.5917/2021

Date :25/03/2021

MN-26/03/2021