

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.6207 of 2021

C. Rajesh @ Puratchi Rajesh

... Petitioner

Vs.

State represented by its,
The Inspector of Police,
M-3 Puzhal Police Station,
Puzhal, Chennai-600 066
(Crime No.28 of 2020)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to release the petitioner on bail pending investigation in Crime No.28 of 2020 on the file of the respondent.

For Petitioner : Mr. A. Kalai Selvan

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor
(CrI.OP.No.6207/2021)

For Respondent : M/S. L.CHARLES PREM KUMAR,
Government Advocate (CrI.side)
(CrI.MP.No.5643/2021)

ORDER

The petitioner who was arrested on 26.02.2021 and remanded to judicial custody for the offences under Sections **(*)307 IPC** in Cr.No.28 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to dispute regarding laying of drainage pipe the petitioner assaulted the defacto complainant with knife and caused injuries to him, leading to the registration of a case against the petitioner by the law enforcing agency.

3. The learned counsel for the petitioner submits that the petitioner is a social worker and in order to spoil the social activities of the petitioner, the petitioner has been implicated in this case and the petitioner has been in jail from 26.02.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the petitioner assaulted the defacto complainant with knife and caused injuries to him. She further submits that there are 8 previous cases pending against the petitioner. It is further submitted that the investigation in the case is almost completed.

5. Taking into consideration the fact that the investigation is almost completed 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:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned District Munsif-Cum-Judicial Magistrate, Madhavaram, Thiruvallur District and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
27/04/2021

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.

(*)Offence is Amended as per order in Crl.MP.No.5643/2021 in Crl.OP.No.6207/2021 dated 06/05/2021 by The Hon`ble Mr Justice G.R.SWAMINATHAN.

TO

1 THE DISTRICT MUNSIF-CUM-JUDICIAL MAGISTRATE,
MADHAVARAM, THIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE OFFICER INCHARGE
SUB JAIL, POONERI,
THIRUVALLUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE, सत्यमेव जयते
M-3 PUZHAL POLICE STATION,
PUZHAL, CHENNAI-600 066.

+1 CC to M/S.A.KALAISELVAN Advocate on payment of necessary charges SR.No.5976

CRL OP.6207/2021

Date :27/04/2021

cs 27/04/2021
cs 09/07/2021