

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.8420 of 2021

Surya Prakash

... Petitioner

Vs.

State: Inspector of Police,
Thiruvannamalai Taluk Police Station,
Thiruvannamalai District,

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to release the petitioner/Accused on bail pending investigation in Crime No.171 of 2021 on the file of the respondent.

For Petitioners : Mr.T.A.Narendar

For Respondent : Mrs.Kritika Kamal
Government Advocate (Criminal Side)

ORDER

The petitioner/sole accused, who was arrested and remanded to judicial custody on 01.04.2021 for the offences under Sections 294(b), 392, 394 and 397 of IPC in Cr.No.171 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner waylaid the defacto complainant, while he was going to sell his own cow's milk shop in the 2nd street of Adaiyur and attacked the defacto complainant with knife on his left hand. The defacto complainant had fell down on the spot. The petitioner took advantage of the situation had robbed Rs.500/- from the pocket and showed knife to the crowd gathered over there and intimidated that he is a big rowdy in that area and thereafter, he escaped from the scene of occurrence. The defacto complainant was taken to Thiruvannamalai Government Hospital for treatment. Based on the complaint lodged by the defacto complainant, the respondent police registered a case against the petitioner.

3. The learned counsel for the petitioner submitted that a false case has been foisted against this petitioner and he has nothing to do with the alleged offence. The learned counsel further submitted that the petitioner was arrested and remanded to judicial custody on 01.04.2021 and he has already suffered incarceration for

more than 30 days. 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 brutally attacked the victim and caused grievous injuries to him which resulted in the victim being admitted to the hospital as in-patient. The learned counsel further submits that one previous case is pending against the petitioner. She further submits that the injured had been discharged from the hospital and investigation is almost completed.

5. Taking into consideration the fact that the victim has already 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:

6. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II Thiruvannamalai 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/-

30/04/2021

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.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, THIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

4 THE INSPECTOR OF POLICE,
TIRUVANNAMALAI TALUK POLICE STATION,
TIRUVANNAMALAI DISTRICT

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.T.A.NARENDAR Advocate on payment of necessary charges
Sr.5709

CRL OP.8420/2021

Date :30/04/2021

RVR 03/05/2021

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