

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.05.2021

CORAM

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

CRL.OP.No.9326/2021

Jaiganesh

.. Petitioner

Versus

State rep. By:-

Inspector of Police

D1 Triplicane police station

Chennai.

(Crime No.111 of 2021)

.. Respondent

Prayer:- Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail pending investigation in Crime No.111 of 2021 on the file of the respondent.

For Petitioner : Mr.C.Jagan

For Respondent : Mr.E.Rajthilak
Govt. Advocate (Crl. Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.04.2021 for the offences punishable under Sections 341, 294(b), 323, 327, 506 (ii) IPC @ 341, 294(b), 323, 324, 307, 506(ii) of IPC in Crime No.111/2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity, on 21.03.2021 at about 9.45 a.m., while the defacto complainant was returning home, the petitioner herein along with other accused persons waylaid the defacto complainant and started assaulting the defacto complainant with wooden log and using hands, as a result of which, the defacto complainant lost his eye sight.

3.The learned counsel for the petitioner submitted that the petitioner is innocent and he is in judicial custody from 22.04.2021 and he seeks the release of the petitioner on bail.

4.The learned Government Advocate (Crl. Side) strongly opposes this petition on the ground that the victim lost his eyesight due to the assault and that the investigation has not been completed yet and hence, prays for dismissal of this petition.

5.Considering the period of incarceration and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) The petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent, Saidapet Sub Jail, Chennai and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum each to the satisfaction of the II Metropolitan Magistrate, Egmore, Chennai - 600 008, within a period of 15 days from the commencement of the Court's normal functioning, failing which, the bail granted by this Court shall stand cancelled automatically;

(c) 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.

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

(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 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.

-sd/-
19/05/2021

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 METROPOLITAN MAGISTRATE
NO.II, EGMORE, CHENNAI-600 008.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE OFFICER INCHARGE
SADIAPET SUB JAIL, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
D1 TRIPLICANE POLICE STATION,
CHENNAI.

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

CRL OP.9326/2021

Date :19/05/2021

cs 24/05/2021