

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.10026 of 2021

J.Vinothkumar

... Petitioner/Accused

Versus

The State rep. by
The Inspector of Police,
Kalasapakkam Police Station,
Thiruvannamalai District.
(Crime No.70 of 2021) ... Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, to enlarge the petitioner on bail in respect of Crime No.70 of 2021 on the file of the Kalasapakkam Police Station, Thiruvannamalai District, pending investigation.

For Petitioner : Mr.S.B.Viswanathan
For Respondent : Mr.E.Raj Thilak,
Counsel for Government (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 08.02.2021 for the offence punishable under Sections 294(b), 323, 353, 506(ii) and 307 of IPC read with Section 3(1) of Tamilnadu Public Properties (Damages and Loss) Act in Crime No. 70 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 28.02.2021 at about 7.25 am., the petitioner along with his advocates-Sekar and Prakash and two other persons went to the police station and enquired about the officials arriving time to the defacto complainant, for which he replied that the Inspector will come at 8.00 am.,. Immediately after, the petitioner herein picked quarrel with the defacto complainant and attacked him and also damaged the Walkie Talkie kept in the police station. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a law abiding citizen. Originally the petitioner along with other persons went to police station in order to get requisition letter from the police official to conduct post mortem on the body of the petitioner's uncle, who died in a road accident. Since there was a delay in getting the same he enquired the defacto complainant. He in turn informed him that the Inspector may come at 8.00 am., and hence there was some wordy quarrel and thereafter the petitioner was attacked by the defacto complainant. The contention of the petitioner has been falsely implicated in this case. Hence he prayed to allow the petitioner on bail.

4. The learned counsel appearing for the respondent would submit that the petitioner is a rowdy element and he has got three previous cases. In which two cases belong to Section 307 IPC and one is coming under Section 324 and 506 (ii) IPC. Further the petitioner has been detained under Goondas and now, it has been revoked. Therefore, he objected to release the petitioner on bail.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner's uncle died in a road accident and in order to get requisition letter to conduct postmortem certificate from the police official, he approached the police station. Since it is delayed, he picked wordy quarrel with the defacto complainant and at that time he was emotionally broke down. Therefore, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(a) the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison, in which the petitioner has been confined on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lockdown and commencement of regular functioning of Court below, failing which the bail granted by this Court shall stand dismissed automatically;

(c) 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;

(d) On releasing, the petitioner shall report before the respondent police as and when required for interrogation;

(e) the petitioner shall not commit any offences of similar nature;

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

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

(h) 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].

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

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

-sd/-
08/06/2021

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 COURT,
KALASAPAKKAM,
THIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

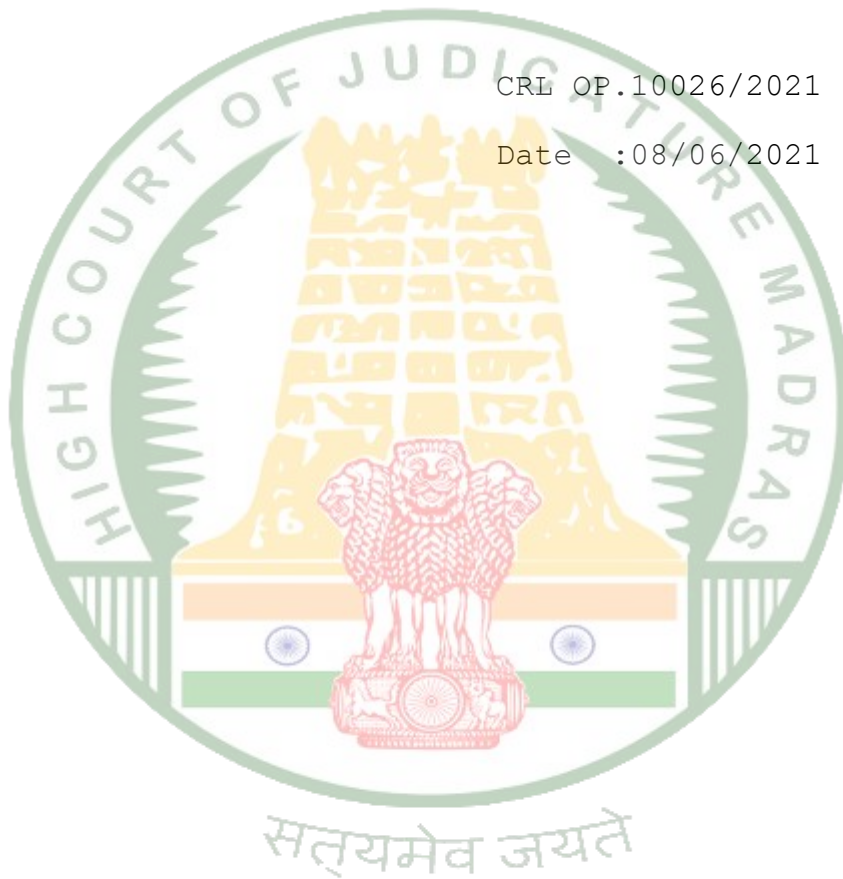
5 THE INSPECTOR OF POLICE
KALASAPAKKAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+1 CC to M/S.S.B.VISWANATHAN Advocate on payment of necessary
charges SR.No.6398

CRL OP.10026/2021

Date :08/06/2021

cs 09/06/2021



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