

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.9996 of 2021

G.Sridhar

... Petitioner

Versus

The State rep. By
The Sub-Inspector of Police,
Nemili Police Station,
Ranipet District.
Crime No.70 of 2021.

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of the Code of Criminal Procedure, to enlarge the petitioner on bail in connection with the case in Crime No.70 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr.P.Krishnan

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

ORDER

The petitioner was arrested and remanded to judicial custody on 02.04.2021 for the offences under Sections 294 (b), 323, 324 and 506 (ii) IPC on the basis of a complaint given by one Sathasivam, S/o. Muthu Reddi. Later, the offence was altered to Sections 294(b), 323, 324, 506(ii), 147, 148 and 307 IPC , in Crime No.70 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 29.03.2021 at about 1.30 p.m. when the defacto complainant was standing near the pawn shop belonging to one Varadhan at Sendamangalam railway gate, the accused persons came and said to have assaulted him using hands, wooden logs and knife and as a result of which, the complainant sustained grievous injuries.

3. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and due to political move, he has been falsely implicated in this case. The learned counsel further submitted that the co-accused were released on bail. The petitioner had remanded to judicial custody on 02.04.2021 and he has already suffered incarceration for more than 36 days. The learned counsel further submitted that this Court may consider releasing the petitioner on bail by imposing certain conditions.

4. The learned counsel for Government (Criminal Side) on instructions would submit that this is the 3rd bail application and this Court had earlier dismissed the petition in respect of this petitioner on the ground that there are totally five previous cases pending against this petitioner and now, there is no change in circumstances. The learned counsel further submitted that if the petitioner is let out on bail, there would be some disturbance of peace and hence, he vehemently opposed to grant bail to this petitioner.

5. Taking into consideration the facts and circumstances of the case and also of the fact that the petitioner is in judicial custody from 02.04.2021 and out of five previous cases, three cases were ended in acquittal, 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 of the concerned prison, in which the petitioner has been confined;

(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 lock down 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 release, the petitioner is directed to stay at Kancheepuram District and shall not leave the Kancheepuram Town limits, for a period of two weeks. He 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 or witness either during investigation or trial;

(h) 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]**;

(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,
ARAKKONAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
NEMILI POLICE STATION,
RANIPET DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S.P.KRISHNAN Advocate on payment of necessary charges SR.NO.6396

CRL OP.9996/2021

Date :08/06/2021

TA-09/06/2021

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