

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.06.2021

CORAM :

THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10078 of 2021

Abilash

... Petitioner

Vs.

... Respondent

State Rep. by
The Inspector of Police,
SIPCOT Police Station,
Hosur,
Tamil Nadu-635 126
(Crime No.118 of 2021)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.118 of 2021 on the file of the respondent police.

For Petitioner : Mr.N.Stalin

For Respondent : Mr.E.Raj Thilak
Government Advocate (Crl.Side)

ORDER

(The case has been heard through video conference)

Heard both sides.

2. The petitioner, who was arrested and remanded to judicial custody on 14.05.2021 for the offences punishable under Sections 294 (b), 323, 342, 307 of IPC in Crime No 118 of 2021 on the file of the respondent police, seeks bail.

3. The case of the prosecution is that due to wordy quarrel between the petitioner and the defacto complainant the petitioner attacked the defacto complainant and caused injuries. Hence, the defacto complainant had lodged a complaint before the respondent police.

4. The learned counsel for the petitioner submitted that the petitioner no way connected with the offence and he has been falsely implicated in this case and hence, the petitioner may be granted bail.

5. The learned Government Advocate (Crl.Side) submitted that there is four previous cases against the petitioner. He further submitted that the injured has been discharged from the hospital.

6. Considering the facts and circumstances of the case and also considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioner with certain conditions.

[a] Accordingly, the petitioner is ordered to be released on bail on condition that he shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison;

[b] thereafter, 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 fifteen days from the lifting of lock down and commencement of regular functioning of the Court below, failing which the bail granted by this Court shall stand dismissed.

[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. for a period of four weeks and thereafter as and when required for interrogation.

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioner shall not abscond 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
09/06/2021

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,
NO.II, HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
SIPCOT POLICE STATION,
HOSUR, TAMIL NADU-635 126.

5 THE OFFICER INCHARGE
SUB JAIL, HOSUR.

CC to M/S.N.STALIN Advocate on payment of necessary charges

CRL OP.10078/2021

सत्यमेव जयते Date:09/06/2021

TA-10/06/2021

WEB COPY