

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2021

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10170 of 2021

Suriya

... Petitioner/Accused - 1

Vs.

The State represented by,
The Inspector of Police,
Thiruvallur Taluk Police Station,
Thiruvallur District.
(Crime No.163 of 2021)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 Cr.P.C. praying to enlarge the petitioner on bail in Crime No.163 of 2021, on the file of the respondent police.

For Petitioner : Mr.P.Chandra Sekar

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

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 29.04.2021, for the offence punishable under Sections 294(b), 324, 341, 379, 307, 506(ii) of IPC, in Crime No.163 of 2021 on the file of the respondent, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the petitioner along with the other accused persons abused the defacto complainant and his friend with filthy language and also assaulted them and thereby they sustained injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is not involved in the above alleged offence and he is no way connected with the offence as alleged by the prosecution and he did not commit any offence. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Cr1. Side) would submit that the petitioner along with other accused persons have abused and assaulted the defacto complainant and his friend and thereby, they sustained injuries. He would further submit that the injured persons have been discharged from the hospital. However, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner, considering the fact that the petitioner is in judicial custody from 29.04.2021 and also considering the fact that the injured has been discharged from the hospital, 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;

[b] thereafter, the petitioner shall execute two blood related sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate-II, Ponneri within a period of fifteen 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. and 05.30 p.m., until further orders.

[d] the petitioner shall not abscond either during investigation or trial.

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

[f] 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].

[g] 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/-
10/06/2021

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 PRINCIPAL DISTRICT AND
SESSIONS COURT, THIRUVALLUR.

2 THE JUDICIAL MAGISTRATE,
NO.II, PONNERI.

3 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

5 THE INSPECTOR OF POLICE,
THIRUVALLUR TALUK POLICE STATION,
THIRUVALLUR DISTRICT.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.P.CHANDRA SEKAR Advocate on payment of necessary charges

WEB COPY

CRL OP.10170/2021

Date :10/06/2021

cs 11/06/2021