

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11479 of 2021

Venkatesh

... Petitioner

Vs.

The State Represent by
The Inspector of Police,
Vaduvor Police Station,
Thiruvarur District.
Crime No.398 of 2021.

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in connection with the case in Cr.No.398 of 2021 pending investigation on the file of the respondent Police.

For Petitioner : Mr.Swamisubramanian

For Respondent : Mr.A.Gopinath
Government Advocate (Crl side)

ORDER

The petitioner, who was arrested on 16.06.2021 and remanded to judicial custody for the offence under Section 294(b), 353, 506(i) and 307 of IPC in Cr.No.398 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 11.06.2021, the defacto complainant police constable attached to the respondent police was on patrol duty, found that the petitioner along with other four accused persons were travelled in a moped at that time. On seeing the police, the petitioner herein and the other accused, without stopping the vehicle, they proceeded towards their village. The defacto complainant chased them in his two wheeler. At that time, the petitioner herein along with other accused abused him with filthy language and threatened him and kicked his vehicle with leg. Due to which, the defacto complainant fell down and sustained injuries and admitted in the hospital.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 16.06.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) vehemently opposed the grant of bail by stating that the petitioner along with other accused persons in an inebriated condition, were travelled in a moped. When the defacto complainant stopped them, they tried to escape the scene of occurrence. When the defacto complainant tried to chase them, they kicked the defacto complainant's bike and he fell down and sustained injuries and he has taken treatment as an inpatient and he was discharged from the hospital.

5. Considering the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation and the injured person has been discharged from the hospital, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the District Prison, Nagapattinam in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Mannargudi, Thiruvavarur District;.

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated.

(d) 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;

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

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

(g) the petitioner shall not abscond 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]; and;

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

-sd/-
06/07/2021

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-I,
MANNARGUDI, THIRUVARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
VADUVOOR POLICE STATION,
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE,
DISTRICT PRISON, NAGAPATTINAM.

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

CRL OP.11479/2021

Date :06/07/2021

MN-07/07/2021