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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.18915 of 2021

M.Arul

... Petitioner

Vs.

The State rep by
Inspector of Police,
Steel Plant Police Station,
Salem District.
Crime No.286 of 2021

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.286 of 2021 on the file of the Inspector of Police, Steel Plant Police Station, Salem.

For petitioner : Mr.C.D.Sugumar

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 22.08.2021 for the offence under Sections 147, 148, 341, 294(b), 323, 324 and 307 of IPC, in Crime No.286 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner along with other accused assaulted the defacto complainant and his relative and also abused in filthy language. Hence the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is only aged about 23 years and he has been falsely implicated in this case. He would further submit that the injured has already been discharged from the hospital and the petitioner has been suffering incarceration for more than 80 days from 22.08.2021. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate raised objection stating that the injured is still under treatment and that the petitioner is ranked as A5.

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5. The learned Counsel for the petitioner submits that the injured has been discharged from the hospital whereas, the learned Government Advocate submits that the injured is still in hospital. However, they have not produced any medical proof for the same despite the direction given by this Court on earlier occasions.

6. Considering the above facts and circumstances of the case and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Salem, and on further conditions that:

(a) 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;

(b) the petitioner shall report before the respondent police on every Tuesday and Saturday at 10.30 a.m. until further orders.

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

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

(e) 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;



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

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-sd/-

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This order, on being produced, be punctually observed and carried into execution by all concerned

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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.1, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
STEEL PLANT POLICE STATION,
SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

CC to M/S. C.D.SUGUMAR Advocate on payment of necessary charges

CRL OP.18915/2021

Date :19/11/2021

APN 22/11/2021