



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.19039 of 2021

Surendar

... Petitioner

Vs.

The Inspector of Police,
Namakkal Police Station,
Namakkal District.
(Crime No.1638 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 Crime No.1638 of 2021 on the file of the respondent police.

For Petitioner : Mr.S,Arjun

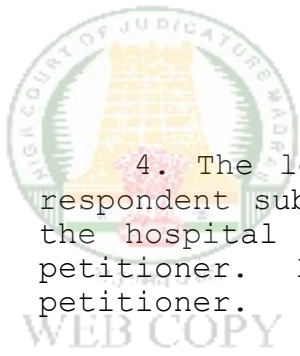
For Respondent : Mr.A.Gopinath
Government Advocate (CrI.Side)

ORDER

The petitioner who was arrested and remanded to judicial custody on 21.09.2021 for the offences under Sections 294(b) and 307 of IPC, in Crime No.1638 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had abused the defacto complainant in filthy language and attacked him with beer bottle and caused injuries. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is not involved in the offence and he has been falsely implicated. He further submits that he is in jail from 21.09.2021. He further submitted that there is a case in counter and the petitioner had given a complaint before the respondent in Crime No.1637 of 2021 against the defacto complainant. Hence he prays for grant of bail to the petitioner.



4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the injured person has been discharged from the hospital and there is no previous case pending as against the petitioner. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the fact that the injured person has been discharged from the hospital and there is no previous case pending against the petitioner and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6. 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, Namakkal-I, and on further condition 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 daily 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.

-sd/-

08/10/2021

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,
NAMAKKAL-I.

2 THE CHIEF JUDICIAL MAGISTRATE,
NAMAKKAL DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
NAMAKKAL POLICE STATION,
NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

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

CRL OP.19039/2021

Date :08/10/2021

INBA-08/10/2021