

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.20294 of 2020

R.Pownkumar

... Petitioner

Vs.

The State Rep. by
Sub-Inspector of Police
Tiruvannamalai Town Police Station
Tiruvannamalai.
(Crime No.3684 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.3684 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.M.Krishnamoorthy

For Respondent : Mrs.M.Prabavathi
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner was arrayed as 2nd accused and totally, there are six accused in the present case. The petitioner, who was arrested and remanded to judicial custody on 04.12.2020 for the offence punishable under Sections 147, 148, 294(b), 323, 324, 307, 506(ii) of I.P.C. in Crime No.3684 of 2020, seeks bail.

2. The case of the prosecution is that on 28.11.2020 at 05.45 p.m., while the defacto complainant was riding his two wheeler from Thandarampet road via Housing Board, at that time, A1 in this case dashed against him, and, there was a wordy quarrel between the parties. Subsequently, the petitioner and other accused have joined A1 and attacked the defacto complainant and he sustained minor injury. Hence, the present complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is 2nd accused in this case. The defacto complainant has filed a false case against the petitioner and on 28.11.2020, when he was under the influence of alcohol driven his bike recklessly and picked up quarrel with A1 and others, in which, no such

injury caused to him as alleged in the complaint. The learned counsel would further submit that the petitioner was arrested on 04.12.2020 and he is in judicial custody for a month and the injured was also discharged from the hospital. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would oppose to enlarge the petitioner on bail on the ground that in a wordy quarrel between the parties, the petitioner and other accused assaulted the defacto complainant and the injured was discharged from the hospital.

5. Taking into consideration of the facts and circumstances, the submissions made by the learned counsel, and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 No.I, Tiruvannamalai, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner, on his release from prison, shall report before the respondent police once in a week at 10.30 a.m. until further orders;

(d) the petitioner shall not commit any offences of similar nature;

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

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

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) 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/-
04/01/2021

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.I, TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
TIRUVANNAMALAI TOWN POLICE STATION,
TIRUVANNAMALAI.

+1 CC to M/S.M.KRISHNAMOORTHY Advocate on payment of necessary charges SR.No.16

सत्यमेव जयते

WEB COPY
CRL OP.20294/2020
Date :04/01/2021

cs 05/01/2021