

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixteenth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs Justice R. HEMALATHA

CRIMINAL ORIGINAL PETITION Nos.13454,13477,13575 and 13722/18

AJEETH [PETITIONER/ACCUSED IN CRL.OP.No.13454/18]

1.P.MARIMUTHU [PETITIONER/ACCUSED IN CRL.OP.No.13477/18]
2.J.MANIKANDAN

1.P.BHAKKIYARAJ [PETITIONER/ACCUSED IN CRL.OP.No.13575/18]
2.B.SIVAKUMAR (KABALI)

A.KALIYAPPAN [PETITIONER/ACCUSED IN CRL.OP.No.13722/18]

Vs

STATE REP. BY [RESPONDENT IN ALL THE PETITIONS]
INSPECTOR OF POLICE,
TIRUPPUR CENTRAL POLICE STATION,
TIRUPPUR DISTRICT.
CR.NO.243/2018 respectively

For Petitioner : M/S.S.PARAMESWARAN Advocate (IN CRL.OP.No.13454/18)

M/S.K.SUDHAKAR Advocate (IN CRL.OP.No.13477/18)

M/S.C.RAMKUMAR Advocate (IN CRL.OP.No.13575/18)

M/S.VA VU SI VAZHAKAGAM Advocate
(IN CRL.OP.No.13722/18)

For Respondent : MR. T.SHUNMUGARAJESWARAN, Govt. Advocate
O/O PUBLIC PROSECUTOR (IN ALL THE PETITIONS)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who were arrested and remanded to judicial custody on 24.04.2018 [Crl.OP.Nos.13454,13722/2018] and on 22.04.2018 [Crl.OP.Nos.13477 & 13575/2018] for the offences punishable under Sections 147, 294[b], 353, 307, 341 IPC in Crime No.243/2018 on the file of the respondent police, seek bail.

2. Heard both sides.

3.The case of the prosecution is that the petitioners along with other accused, in an inebriated condition, assaulted the defacto complainant, the Sub Inspector of Police and caused injuries on him, resulting in the registration of the case.

4.The learned counsel for the petitioners submitted that the petitioners have been falsely implicated in the case and that they are innocent. It is submitted that A-1 was granted anticipatory bail by this Court on 28.04.2018 in CrI.OP.No.12483/2018 and A3, A5, A7, A8, A10 and A11 were enlarged on bail.

5.The learned Government Advocate [CrI.Side] submitted that as the complainant, the Sub Inspector of Police, while on patrolling duty, advised the accused persons who were under intoxication near the TASMACH shop, to go to their respective homes, there arose a wordy altercation and in that process, the accused attacked the complainant. It is his further submission that the injured has been treated as an Out Patient.

6.In the instant case, the accused have been arrested on 22.04.2018 and 24.04.2018 respectively and they have been in judicial custody for more than 20 days and most part of the investigation should have been concluded by now and the injured has been treated as an Out Patient. Furthermore, some of the co-accused were granted bail and anticipatory bail by this Court. In the facts and circumstances of the present case, I am inclined to grant bail to the petitioners subject to the following conditions:

7.The petitioners are ordered to be released on bail on each of them 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, No.II, Tiruppur and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m until further orders.

[b] the petitioners shall not abscond either during investigation or trial.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
16/05/2018

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.II, TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
TIRUPPUR CENTRAL POLICE STATION,
TIRUPPUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S.S.PARAMESWARAN Advocate on payment of necessary charges Sr.9181

CC to M/S.K.SUDHAKAR Advocate on payment of necessary charges Sr.9204

CC to M/S.C.RAMKUMAR Advocate on payment of necessary charges Sr.9219

CC to M/S.VA VU SI VAZHAKAGAM Advocate on payment of necessary charges Sr.9216

CRL OP.Nos.13454,13477,13575 & 13722/2018

Date :16/05/2018

rvr 16/05/2018