

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Eleventh day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice RMT. TEEKAA RAMAN

CRIMINAL ORIGINAL PETITION NOS.17340 & 17341 of 2018

1 SUDHA @ SUDHAKAR [PETITIONERS / ACCUSED
2 THENNARASU @ KUMARAN CRL.OP.NO.17340 OF 2018]

R.SUNDAR [PETITIONERS / ACCUSED
CRL.OP.NO.17341 OF 2018]

Vs

STATE REP. BY ITS [RESPONDENT
INSPECTOR OF POLICE, IN BOTH THE PETITIONS]
CUDDALORE PORT POLICE STATION,
CUDDALORE.
CR.NO.36 OF 2018

For Petitioner : M/S.R.GANESH KUMAR Advocate
[IN BOTH THE PETITIONS]

For Respondent : MR. R.SURYA PRAKASH, Govt. Advocate (Crl. Side)
[IN BOTH THE PETITIONS]

For Intervenor : M/S.B.THIYAGARAJAN Advocate
[IN BOTH THE PETITIONS]

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

Heard both sides.

2. The petitioners/A7,A13 and A18, who were arrested on 15.05.2018 for the alleged offence punishable under Sections 147, 148, 294(b), 323, 324, 307, 302 of I.P.C in Crime No.36 of 2018 on the file of the respondent police, seek bail.

3. Mr. B.Thiyagarajan, learned counsel, seeks time to file Intervening Petition, since he is representing the defacto-complainant Tr.Painthamizh Kumaran, S/o deceased Panchanathan.

4.The case of the prosecution is that, due to enmity between the two fishermen committee people in the village of Devanamppatinam and Sonankuppam within the jurisdiction of the Cuddalore Port Police Station, one set of people is alleged to have attacked one Panchanathan, who was died and four persons have been injured. In

this connection, the defacto-complainant gave a complaint and investigation has commenced. In the F.I.R, more than 20 people have attacked in group, in which, 16 persons as of now arrested and six are yet to be arrested and the investigation is in progress.

5. These petitions are filed by A7, A13 and A18.

6. The learned Government Advocate (Crl.side) has drawn my attention to the previous cases of A7 and A13 as could be seen from the counter filed by the Inspector of Police, Cuddalore Port Police Station and the A7 is the History Sheeted Rowdy in H.S.No.25 of 2017 and A13 and A18 are the habitual offenders.

7. Taking note of the fact that the specific overtact alleged against them and the statement is recorded by some of the witnesses which are under Section 161 statement of the Cr.P.C which is produced before the Court, I am not inclined to grant bail for A7 and A13, Sudha @ Sudhakar and Thennarasu @ Kumaran (Crl.O.P.No.17340 of 2018).

8. Regarding A18 R.Sundar, S/o.Ramu, the learned counsel for the petitioner has submitted that there is no specific overtact by this accused on the deceased person and as against him, it is only in respect of the injured witness Ilavarasan, Murugan and Elayi. The three injured persons have been discharged from the hospital.

9. Taking note of the fact that injured persons had been discharged from hospital and the petitioner/accused (in Crl.O.P.No.17341 of 2018) is in custody since 15.05.2018, I am inclined to grant bail in respect of A18 alone and accordingly, it is ordered that the petitioner / A-18 shall be released on bail, upon the following conditions:-

(i) The petitioner should not enter Cuddalore District. He should stay in Vellore District for a period of three weeks and sign before the learned Judicial Magistrate-I, Vellore at 10.30 a.m and 5.30.p.m daily.

(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a likesum to the satisfaction of the learned Judicial Magistrate-I, Vellore.

(ii) the petitioner shall not tamper with evidence or witness during trial.

(iv) the petitioner shall not abscond during trial

(v) on breach of any of the aforesaid conditions, the learned Trial Judge 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 Trial Judge himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs.State of Kerala [(2005) AIR SCW 5560]

(vi) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A I.P.C.

-sd/-
11/07/2018

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.I, VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CUDDALORE PORT POLICE STATION,
CUDDALORE.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

+2CC to M/S.R.GANESH KUMAR Advocate on payment of necessary charges SR NOS.12730, 12731

CRL OP.17340 & 17341 OF 2018

Date :11/07/2018

MK:11/07/2018