

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.19711 of 2018

1 SOMASUNDARAM
2 SHANMUGAM

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
POCHAMPALLI POLICE STATION,
KRISHNAGIRI DISTRICT
CR.NO.262 OF 2018.

[RESPONDENT]

For Petitioner : M/S.E.KANNADASAN Advocate

For Respondent : MR. C.IYYAPPARAJ ADDL.Public Prosecutor

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who were arrayed as A1 and A2, were arrested on 28.07.2018 for the offence under Sections 341, 294(b), 323, 324, 506 (ii) IPC and Section 3 of the Tamil Nadu Public Property (Prevention of Damages & Loss) Act, 1992 in Cr.No.262 of 2018 on the file of the respondent police and seek bail.

2.It is the case of the prosecution that on 28.07.2018 while the police personnel was proceeding in his motor cycle bearing Reg.No.TN 29 AV 0094, the petitioners along with other accused waylaid him. When he was questioned, a wordy quarrel arose between them and thereafter, the 1st petitioner was fisted on his chin with hands and kicked him on his chest with his legs and felted stones on his mouth and the 2nd petitioner also assaulted the defacto complainant on his head with stone and caused damages to his motor cycle and thereby caused loss of Rs.15,000/- to the defacto complainant. Hence, this case has been registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocence and they did not commit any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor would submit that while the police personnel was proceeding on his vehicle, the petitioners assaulted the police personnel and damaged his vehicle worth about Rs.15,000/-. He would further submit that the investigation is pending.

5.Considering the nature of the case, I am inclined to grant bail to the petitioners.

6.Accordingly, 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Pochampalli 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 petitioners shall deposit a sum of Rs.15,000/- (Rupees fifteen thousand only) to the credit of Crime No.262 of 2018 before the Judicial Magistrate, Pochampalli;

(c)the petitioners shall report before the Judicial Magistrate, Pochampalli daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required by the investigation officer;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

(f)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]**; and;

WEB COPY

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

-sd/-
09/08/2018

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,
POCHAMPALLI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
POCHAMPALLI POLICE STATION,
KRISHNAGIRI DISTRICT

5 THE OFFICER INCHARGE,
SUB - JAIL, UTHANGARAI

+1CC to M/S.E.KANNADASAN Advocate on payment of necessary charges SR.NO. 14828

WEB COPY

CRL OP.19711/2018

Date :09/08/2018

cm 09/08/2018