

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.12338 of 2019

1 SILAMBARASAN
2 JESUS @ RAJENDRAN
3 KUTTIYAPPAN @ JOSEPH
4 RAMESH
5 VENKATESAN

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
RASIPURAM POLICE STATION,
NAMAKKAL DISTRICT.
CRIME NO.209 OF 2019

[RESPONDENT]

For Petitioners : M/S.R.KRISHNA KUMAR Advocate

For Respondent : MRS.M.PRABHAVATHI, ADDITIONAL PUBLIC PROSECUTOR

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 04.04.2019 for the offences under Sections 147, 148, 387, 506(ii) of IPC, r/w 27(ii) Arms act which has been altered to 147, 148, 387, 506(ii) of IPC r/w 27(ii) Arms act in Crime No.209 of 2019 on the file of the respondent police, seek bail.

2. The case of the prosecution is that the Accused persons had come to the Temple and they had cut the cake with machete in their hands and thereby they have terrorised the general public. That apart, this was also spread through Whatsapp. There are totally 11 Accused persons in this case and the petitioners are A1 to A5.

3. The learned counsel for the petitioners submitted that there was a Temple Festival and they were celebrating the birthday of A1. An exaggerated version of the entire incident is portrayed by the respondent police only to register an FIR against the Accused persons and remand them to custody.

4. The learned Additional Public Prosecutor submitted that the it is very unusual that the Accused persons used machete to cut the cake and it was done only to terrorise the general public. The learned counsel further submitted that there are various previous cases pending against all the 5 Accused persons.

5. Taking into consideration, the facts and circumstances of the case and also of the fact that the petitioners have already suffered incarceration for more than 35 days and no one was injured during the alleged incident, this Court is inclined to grant bail to the petitioners subject to the following conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Rasipuram and on further conditions 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 report before the learned Judicial Magistrate, Rasipuram daily at 10.30 a.m. And before the respondent police daily at 05.30 p.m until further orders.

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

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

[e] On breach of any of the aforesaid conditions, the learned Judicial 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 Judicial 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]**.

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

-sd/-
08/05/2019

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,
RASIPURAM,
NAMAKKAL DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

5 THE SUB INSPECTOR OF POLICE,
RASIPURAM POLICE STATION,
NAMAKKAL DISTRICT

+5 CC to M/S.R.KRISHNA KUMAR Advocate on payment of necessary charges SR.NO.9532

CRL OP.12338/2019

Date :08/05/2019

cm 09/05/2019