

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Second day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice P. RAJAMANICKAM

CRIMINAL ORIGINAL PETITION No.12852 of 2019

1 SANTHAKUMARI @ PACHAYAMMAL [PETITIONERS / ACCUSED]
2 HARI SATHISHKUMAR

Vs

1 THE INSPECTOR OF POLICE, [RESPONDENT]
MADURANTAKAM POLICE STATION,
KANCHEEPURAM DISTRICT.
CR.NO.171/2019

For Petitioner : M/S.G.MAGESH KUMAR Advocate

For Respondent : MR.C.RAGHAVAN, Govt. Advocate (Crl. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner/Accused No.2 & 3, who were arrested and remanded to judicial custody on 01.05.2019 for the offence under Section 147, 148, 294 (b), 324, 307 IPC in Crime No.171 of 2019 on the file of the respondent police, seek bail.

2. The case of the prosecution is that there was a land dispute between the petitioners and the defacto complainant and his brother's son Sankar. On the fateful day, these petitioners along with three other accused persons abused the defacto complainant with filthy language and assaulted him with iron rod and threatened him with dire consequences.

3. The learned counsel for the petitioners submitted that due to land dispute, a false case has been foisted against these petitioners and they have nothing to do with the alleged offence. The learned counsel further submitted that these petitioners were arrested and remanded to judicial custody on 01.05.2019 and they have already suffered incarceration for more than 22 days. The learned counsel further submitted that the injured has already been discharged from the hospital and therefore, he prays to grant bail to these petitioners.

4. Per contra, the learned Additional Government Advocate submitted that there are totally five accused persons involved in this case. A2 and A3, were arrested and remanded to judicial custody and the case against A1, 4 and 5 are still absconding and hence, he

strongly opposed this bail petition. However, he fairly conceded that already the injured was discharged from the Government hospital on 04.05.2019 but still he is taking treatment in a private hospital.

5. Considering the fact that the dispute is with regard to land and also of the fact that these petitioners are in judicial custody from 01.05.2019 and they have already suffered incarceration for more than 22 days and the victim has already been discharged from the hospital on 04.05.2019, this Court is inclined to grant bail to these 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.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Madurantakam 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 respondent police daily at 10.30 am, 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 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]**.

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

-sd/-

22/05/2019

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,
MADURANTAKAM

2 THE CHIEF JUDICIAL MAGISTRATE
CHENALPATTU[FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON WOMEN, PUZHAL

4 THE OFFICER IN CHARGE
SUB-JAIL, MADURANTAKAM

5 THE INSPECTOR OF POLICE,
MADURANTAKAM POLICE STATION,
KANCHEEPURAM DISTRICT.

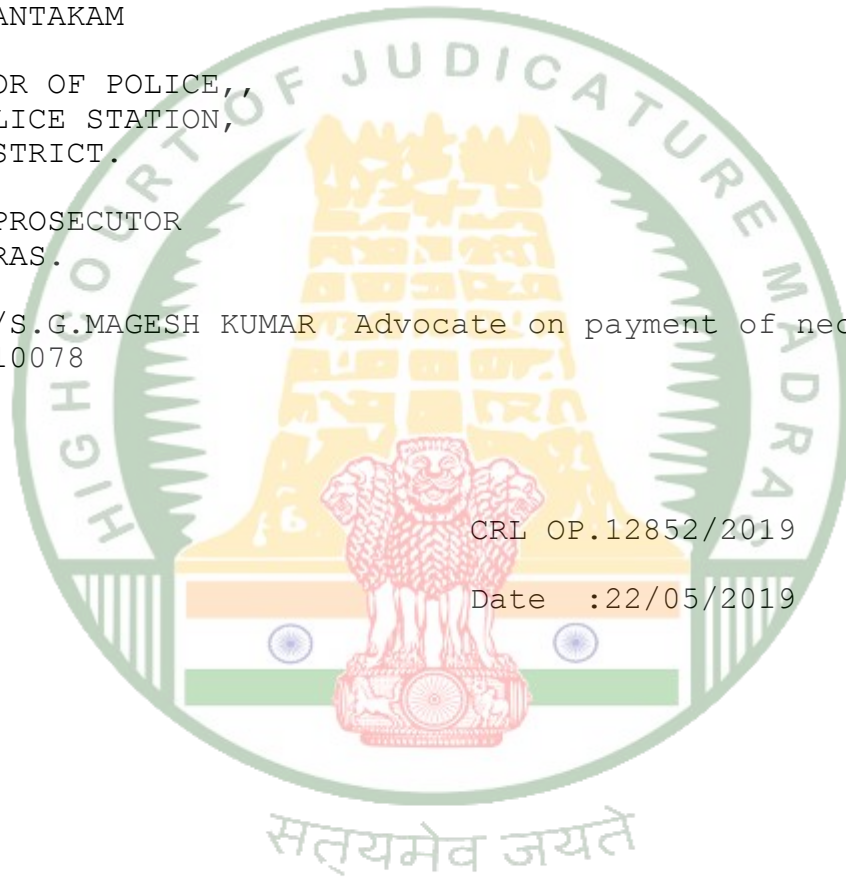
6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.MAGESH KUMAR Advocate on payment of necessary
charges SR.NO. 10078

CRL OP.12852/2019

Date :22/05/2019

RD 22/05/2019



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