

IN THE HIGH COURT OF JUDICATURE AT MADRAS

04.05.2020

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.OP.No.7400 of 2020

1.Arvind @ Arvind Kumar
2.Janakiraman

...Petitioners

Vs

State rep. By
The Inspector of Police
R-8, Vadapalani Police Station
Chennai.
(Crime No.127 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioners on bail pending investigation in Crime No.127 of 2020 on the file of the respondent police.

For Petitioners : Mr.S.Mohamed Ansar

For Respondent : Mr.M.Mohammed Riyaz

Additional Public Prosecutor (Crl. Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 02.04.2020 for the offences punishable under Sections 294 (b), 427 and 506(ii) of Indian Penal Code in Crime No.127 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that there was a wordy quarrel between the petitioners and the defacto complainant, in which, the petitioners damaged the Pani Poori Bunk Shop owned by the defacto complainant and criminally intimidated him with brandy bottle. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are not having previous enmity with the defacto complainant and he denied the offences alleged against the petitioners and seek bail.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that the petitioners picked up wordy quarrel with the defacto complainant , and they also caused damage to the bunk shop, which was run by the defacto complainant. Hence he vehemently opposed for grant of bail to the petitioners.

5. Taking into consideration the nature of allegations against the petitioners in the FIR and also taking note of the fact that the petitioners are in judicial custody from 02.04.2020, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

[a] the petitioners shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) each to the Chief Minister Public Relief Fund, and on such deposit the petitioners are ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, before the Superintendent of the concerned prison;

[b] the petitioners shall report before the respondent police as and when required for interrogation;

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness 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 229 A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
04/05/2020

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 CHIEF MINISTER PUBLIC RELIEF FUND,
TAMILNADU.

2 THE METROPOLITAN MAGISTRATE,
NO.XVII, SAIDAPET, CHENNAI.

3 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE
R-8, VADAPALANI POLICE STATION
CHENNAI.

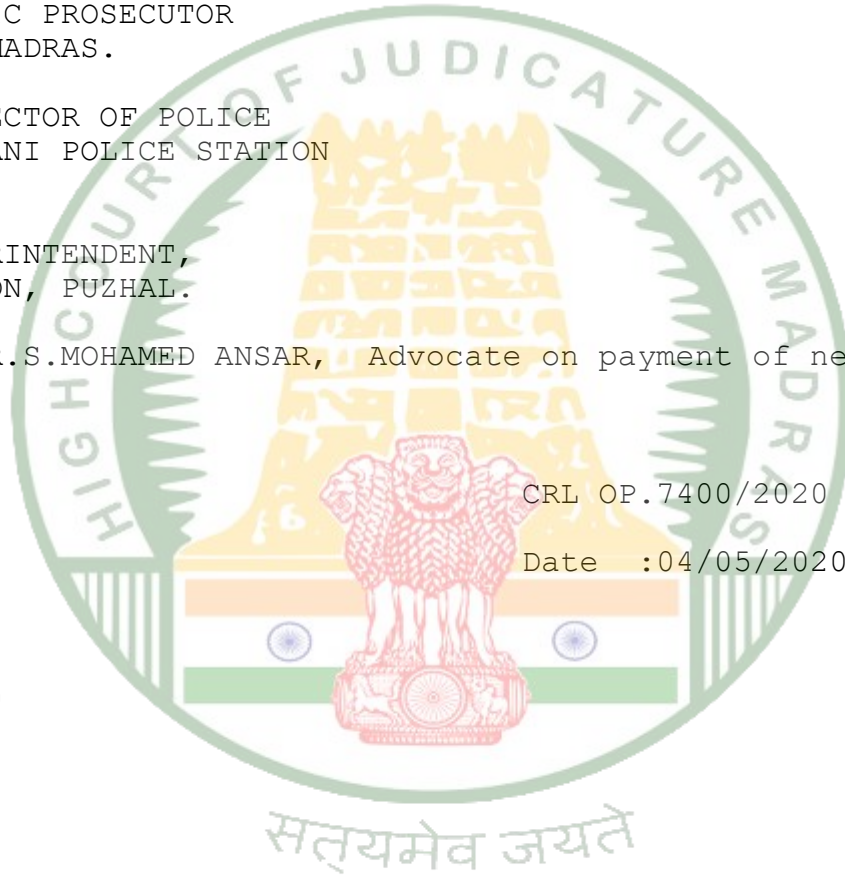
6 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI.

CC to MR.S.MOHAMED ANSAR, Advocate on payment of necessary
charges

CRL OP.7400/2020

Date :04/05/2020

TA-17/06/2020



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