

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 11.05.2020
CORAM
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Cr1.O.P.No.7493 of 2020

Vignesh

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Thalayamangalam Police Station,
Thiruvavarur District.
Cr. No.13 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.13 of 2020 on the file of the Inspector of Police, Thalayamangalam Police Station, Thiruvavarur District.

For Petitioner : Mr.Swami subramanian

For Respondent : Mr.M.Mohammed Riyaz
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 27.04.2020 for the offence punishable under Sections 448, 294(b), 506(i) of IPC and r/w Section 3 of TNPPDL Act in Crime No.13 of 2019 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner along with other accused persons were trespassed into the house of the defacto complainant and abused him with filthy language and also damages to the properties. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is not involved in the above alleged offence and he is no way connected with the offence as alleged by the prosecution and he did not commit any offence. Further he submits that the petitioner is in judicial custody from 27.04.2020 and hence, he seeks bail for the petitioner.

4.The learned Additional Public Prosecutor (Crl. Side) would submit that due to previous enmity on 17.04.2020 at about 11.30 p.m the petitioner along with other accused persons were trespassed into the house of the defacto complainant and abused him with filthy language and also caused damages to the property worth about Rs.10,000/-. He further submitted that there are no previous cases pending against this petitioner and and that the investigation is pending. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 27.04.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

[a] the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten thousand only) before the Superintendent of the concerned prison;

(b) thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/-(Rupees ten thousand only) each, before the concerned Magistrate on or before 08.06.2020, failing which the bail granted by this Court shall stand dismissed automatically.

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

(d) the petitioner shall report before the respondent police as and when required for interrogation.

[e] the petitioner shall not abscond either during investigation or trial.

[f] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court 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 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].

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

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

-sd/-

11/05/2020

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 JUDICIAL MAGISTRATE,
NO.II, MANNARGUDI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
THALAYAMANGALAM POLICE STATION,
THIRUVARUR DISTRICT.

5 THE SUPERINTENDENT,
SUB JAIL, MANNARKUDI

CC to SWAMISUBRAMANIAN Advocate on payment of necessary charges

CRL OP.7493/2020

Date :11/05/2020

RVR 07/08/2020