

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.05.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.Nos.7765, 7658, 7679 of 2020

Karunakaran @ Periyapaali,
S/o.Samuthiram,
No.57/31 S.M.Nagar,
Nandhanam, Chennai – 600 050. ... Petitioner/Accused No.4
in Crl.O.P.No.7765 of 2020

Deva @ Devaprasad,
S/o.Ashok Kumar,
No.59/32 M.Nagar,
Nandhanam, Chennai – 600 035. ... Petitioner/Accused No.3
in Crl.O.P.No.7658 of 2020

Surya,
S/o.Mathiyazhagan,
No.64/15, Sathiyamoorthi Nagar,
Nandhanam,
Chennai – 600 035. ... Petitioner/Accused No.1
in Crl.O.P.No.7679 of 2020

Vs.

State Rep by,
The Inspector of Police,
E-3, Teyanampet Police Station,
Chennai.
(Crime No.293 of 2020)

... Respondent/Complainant
in all cases

PRAYER: Criminal Original Petitions are filed under Section 439 of Cr.P.C.,
praying, to enlarge the petitioners on bail in connection with Crime No.293 of
2020 on the file of the respondent police.

For Petitioner : Mr.B.Saravanan
in Crl.O.P.No.7765 of 2020

For Petitioner : Mr.K.J.Saravanan
in Crl.O.P.No.7658 of 2020

For Petitioner : Mr.Ajith Kumar
in Crl.O.P.No.7679 of 2020

For Respondent : Mr.S.Karthikeyan,
in all cases Additional Public Prosecutor

COMMON ORDER

The petitioners/accused Nos.1, 3 & 4, in Crime No.293 of 2020, for the offences punishable under Sections 294b, 323, 324, 307, 506 (ii) IPC, on the file of the respondent police.

2. The case of the prosecution is that the defacto complainant's son Karthik had earlier questioned one Surya and Memo Balaji in respect of theft of jewels in his house. Hence, there was enmity between defacto complainant's son Karthik and other accused persons. On 03.05.2020, the petitioners, who were playing game of dice for bedding in front of the petitioner's house, at that time, the said Karthik had come there and objected the petitioners for playing in front of the house. Subsequently, there was a wordy quarrel and there was a free flow.

The said Karthik was assaulted with iron rod and wood log and sustained serious injury and he was admitted in the hospital. Thereafter, the petitioners/accused Nos.4, 3 and 1 were arrested on 03.05.2020, 04.05.2020, 04.05.2020 respectively.

3. The contention of the petitioners is that, the accused No.1/Mr.Surya and one Memo Balaji, had fight with the said Karthik and there was enmity grooving between them. On the day of occurrence, the petitioners were only playing game and not for money. The said Karthik, who is aggressor picked up quarrel starting assaulting the petitioners, in which, the said Karthik had sustained injury and he was treated impatient and further discharged from the hospital.

4. The Learned Additional Public Prosecutor (Crl.Side) for the respondent would submit that there was a wordy quarrel and due to which, fight arose between the petitioners and said Karthik. Thereafter, the petitioners were assaulted the said karthik with iron rod and wood log. The said Karthik had been seriously injured and admitted in the hospital, after one week of treatment, he was discharged from the hospital. Further, submitted that, in this case, one of the co-accused was granted bail by the Learned Principal Sessions Judge,

Chennai, in Crl.M.P.No.7423 of 2020, on 21.05.2020.

5. Taking into consideration the facts of the case and the submissions made on either side and also the period of incarceration, the petitioners were all young age and further incarceration would only make it difficult for them to turn around and to lead a reformed life, in view of the same, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

(a) the petitioners shall execute his own bond for a sum of Rs.10,000/- each (Rupees Ten thousand only), before the Superintendent of the concerned prison in which the petitioners have been confined on his release;

(b) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten thousand only), before the concerned Magistrate on or before 01.07.2020, 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 petitioners shall not commit any offences of similar nature;

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

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

(g) the petitioners shall report before the respondent Police as and when required for interrogation.

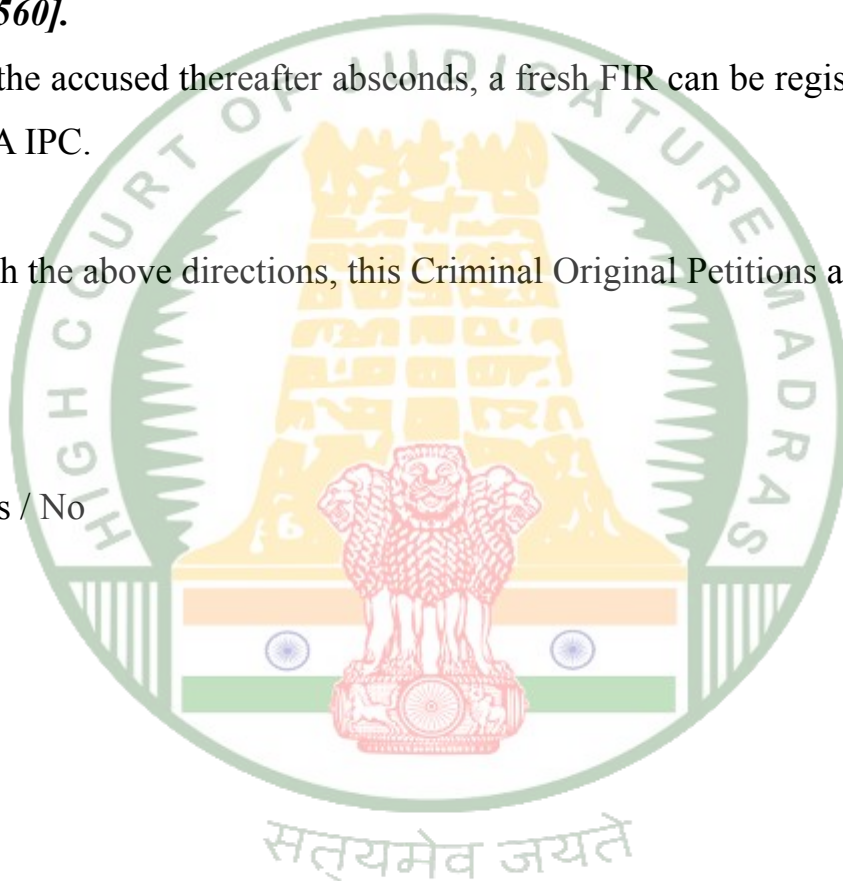
(g) on breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]***.

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

6. With the above directions, this Criminal Original Petitions are ordered.

28.05.2020

Internet : Yes / No
bsm



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M.NIRMAL KUMAR,J.

bsm

To,

1. The Learned XVIII Metropolitan Magistrate Court, Saidapet.
2. The Superintendent, Central Prison, Puzhal.
3. The Inspector of Police, E-3, Teyanampet Police Station, Chennai.
4. The Public Prosecutor, High Court, Madras.



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