

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2020

CORAM

THE HONOURABLE MR.JUSTICE. **M.NIRMAL KUMAR**

Crl.O.P.No.7964 of 2020

1.Karthik

2.Giri @ Vedhagiri

... Petitioners

Vs.

State rep. by
The Inspector of Police,
15 Velampalayam Police Station,
Tiruppur District.
(Crime No.821 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the petitioners on bail in Crime No.821 of 2020 on the file of the Respondent Police.

For Petitioner : Mr.J.Jawahar

For Respondent : Mr.Karthikeyan Swaminathan
Additional Public Prosecutor

ORDER

The petitioners were arrested and remanded on judicial custody on 14.05.2020 for the offence punishable under Sections 147, 148, 341, 452, 294(b), 324, 353, 506(ii) of I.P.C @ 147, 148, 341, 452, 353, 324, 307 and

506(ii) of I.P.C in Crime No.821 of 2020 on the file of the Velampalayam Police Station, Tiruppur, seeks bail.

2. The case of the prosecution is that on 08.05.2020 at about 5.30 p.m., one Nallasamy, Grade I Constable, was on duty in No.1916 Tasmac shop at Thilagar Nagar, Tiruppur, at that time Balaji and Karthik were trying to enter into the Tasmac shop without mask, the defacto complainant, who was on duty at that place warned the said Balaji and Karthik to wear mask and then purchase liquor for which they abused the defacto complainant. After that while the defacto complainant was going to take his vehicle the said accused along with other accused abused and assaulted him with iron rod, wooden log and plastic chair. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that only four persons name were found in the complaint and these petitioners name were not found in the complaint and the petitioners were only onlookers and they have not quarreled with the defacto complainant and injured him. He further submitted that A1 and the defacto complainant were friends and the petitioners were falsely implicated in the Crime.

4. The learned Additional Public Prosecutor (Crl. Side) would submit that there are totally ten accused. One Balaji assaulted the defacto complainant with an iron rod, one Rajesh attacked with wooden log in his shoulder, the other accused namely Vasanth and Madasamy attacked the defacto complainant with plastic chair. He further submitted that Balaji/A1 was detained in Goondas Act.

5. Considering the submission made by the learned counsel for the petitioner and the learned Additional Public Prosecutor that there is no specific attempt by them to assault the defacto complainant and they have not caused any injury, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

[a] the petitioners shall deposit a sum of Rs.5,000/- (Rupees five thousand only) each to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai-600 020 (Bank:Andhra Bank, Madhya Kailash, SB A/c.No.149710011005477) and on such deposit the petitioners is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each before the Superintendent of the concerned prison in which the petitioners have been confined on his release;

[b] the petitioners shall execute two sureties each for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate

within a period of 15 days from the date of lift down of lockdown and regular functioning of Court below, 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 report before the respondent police as and when required for interrogation;

[e] the petitioners shall not commit any offences of similar nature;

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

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

[h] 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].

[i] 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.

08.06.2020

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

rst

To

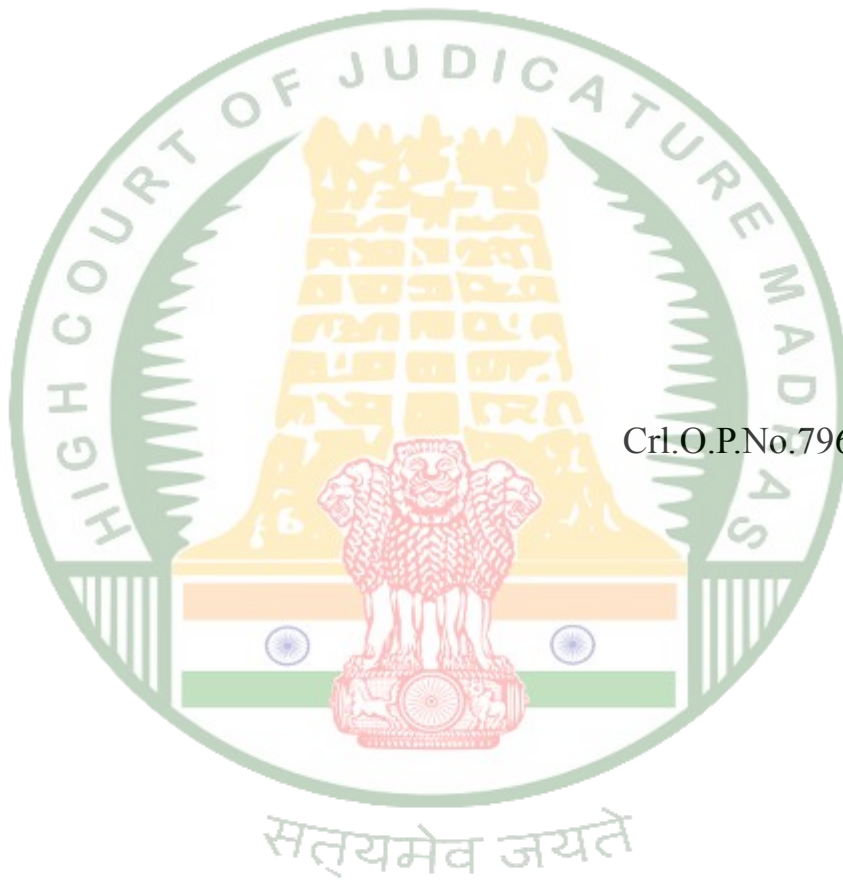
1. The learned Judicial Magistrate No-III, Tiruppur.
2. The Inspector of Police,
15 Velampalayam Police Station,
Tiruppur District.
3. The Public Prosecutor,
High Court, Madras.
4. The Superintendent
District Jail, Tiruppur.



WEB COPY

M.NIRMAL KUMAR, J.

rst



Crl.O.P.No.7964 of 2020

WEB COPY

08.06.2020