

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2020

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.8083 of 2020

1. Ramasubramaniam, M/A 36 Years, (A2)
Son of Ramamoorthi,
90, North Street,
Kotteri Village & Post,
Virudhachalam Taluk,
Cuddalore District.

2. Govindasamy, M/A 57 Years, (A5)
Son of Thangavel,
203, Vathiyar Street,
Kotteri Village & Post,
Virudhachalam Taluk,
Cuddalore District.

3. Tamizhselvan, M/a 19 Years, (A6)
Son of Govindan,
171, Vathiyar Street,
Kotteri Village & Post,
Virudhachalam Taluk,
Cuddalore District.

... Petitioners/Accused (A2, A5 & A6)

/Vs/

State rep by the
Inspector of Police,
U.Mangalam Police Station,
Cuddalore District.
(Crime No.277 of 2020)

... Respondent/Complainant

PRAYER: This Criminal Original Petition filed under section 439 of Cr.P.C., seeking to enlarge the petitioner on bail in connection with Crime No.277 of 2020 on the file of the respondent police.

For Petitioner : Mr.A.Gopinath

For Respondents : Mr.K.Prabakar
Additional Public Prosecutor

ORDER

The petitioners who were arrested and remanded to judicial custody on 21.05.2020 for the offences punishable under **Sections 147, 148, 341, 294(b), 324, 506(ii) and 307 IPC in Crime No.277 of 2020** on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 20.05.2020, due to dispute over harvesting cashew nuts from the Government land, the petitioners along with others abused and attacked the defacto complainant with knife, iron rod. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that there is a case in counter in Crime No.287 of 2020 and that the petitioners have been suffering incarceration from 21.05.2020. Hence he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that though the victim has been discharged from the Government hospital, he has been taking treatment in the private hospital and that tension still prevails in the locality. Hence, he opposed for the grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and the fact that the victim has been discharged from the hospital and there is a case in counter and considering the period of incarceration undergone by the petitioners from 21.05.2020, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners is ordered to be released on bail on executing their own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioners have been confined on their release;

(b) Thereafter, each petitioners shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the concerned Magistrate on or before 05.07.2020, 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 stay at Dindivanam and report before the Inspector of Police, Town Police Station, Dindivanam, daily at 10.30 a.m. until further orders.

(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 Judicial 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.

05.06.2020

Index : Yes/No

Internet : Yes/No

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To

1. The District Munsif cum Judicial Magistrate, Neyveli, Cuddalore District.

2. Inspector of Police, U.Mangalam Police Station,
Cuddalore District.

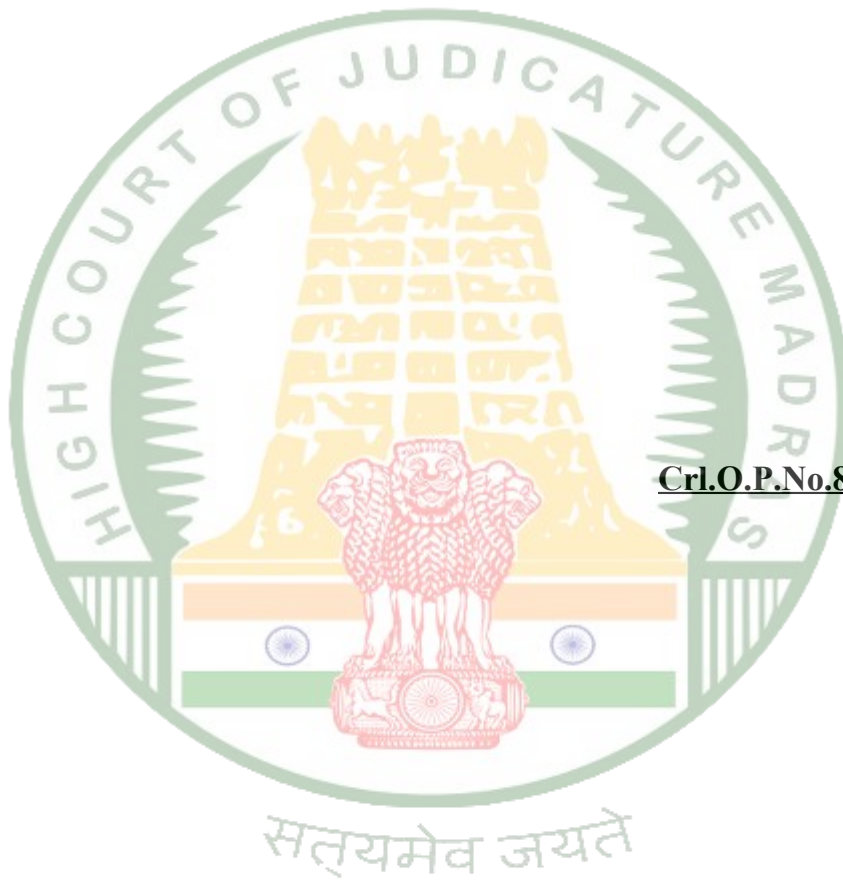
3. The Public Prosecutor,
High Court of Madras.

4. The Superintendent
Sub Jail, Virudhachalam, Cuddalore District.

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A.D.JAGADISH CHANDIRA,J.

Ksa-2



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