IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.06.2020

CORAM:

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

CRL.O.P.No.8287 of 2020

1.Anbu
S/o.Munusamy.

2.Settu,
S/o.Kuppan.

3.Karthi @ Karthik
S/o.Marimuthu. ... Petitioners

Vs.

State rep. by
Inspector of Police,
Panamadangi Police Station,
Vellore District. ... Respondent
Crime No.223 of 2020

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PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., praying, to enlarge the petitioners /accused on bail and release him from the custody in Crime No.223 of 2020 pending on the file of the respondent police.

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For petitioners : Mr.M.Sathish Kumar

For Respondent : Mr.S.Karthikeyan,
Additional Public Prosecutor

ORDER

The petitioners, who were arrested and remanded to judicial custody on 25.05.2020 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) and 307 of IPC in Crime No.223 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 25.05.2020, the respondent police had received an information from Adukamparai Government Hospital, Vellore, and respondent went to the hospital and recorded the statement of defacto complainant one Venkatesan, and registered the complaint. From the complaint it is seen that the defacto complainant's family have some enmity with the accused and his group and that on 24.05.2020 at about 8 pm, when the defacto complainant returned from shop, the accused persons were having liquor in the open

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vacant land and on seeing the victim, they picked up quarrel with the defacto complainant. A1 assaulted the defacto complainant with aruval, A2 with iron rod, A3 attacked with his left hand, A4 used a stick to attack and A5 to A10 attacked the defacto complainant with hands and legs, after which the defacto complainant got fainted and he was taken initially to the Primary Health Centre, Latheri, where he was given first aid and thereafter he was admitted in the Adukamparai Government Hospital, Vellore. Hence, this complaint.

3. The contention of the learned counsel for the petitioners are that the petitioners herein are arrayed as A1, A2 and A5. In the complaint, it is stated that some previous enmity exists between the petitioners and the family of the defacto complainant and the occurrence had taken place in an isolated place. Taking advantage of the same, the petitioners have been falsely implicated in this case. He further submitted that the victim has been discharged from the hospital and sought for bail to the petitioners.

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4.The learned Additional Public Prosecutor opposed bail application stating that A1 and A2 are notorious criminals and there are three cases pending against them. He further submitted that A1 used aruval and A2 used iron rod and A5 attacked with hands. There is no dispute that the petitioners and the defacto complainant are known to each other. He further submitted that injured has been discharged from hospital.

5. Taking into consideration the nature of allegations against the petitioners in the FIR and also taking note of the fact that the injured has been discharged from hospital and considering the period of incarceration by the petitioners, this Court in inclined to grant bail to the petitioners, subject to the following conditions:

(a) 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) before the Superintendent of the concerned prison, in which the petitioners have been confined on their release;

(b) each of the petitioners shall execute two sureties for a sum

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of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 days from the date of lifting of lock down and commencement of 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 daily at 10.30 a.m., for a period of three weeks and thereafter 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].***

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M.NIRMAL KUMAR, J.

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(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.

11.06.2020

Internet : Yes / No
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To

1. The Judicial Magistrate, Katpadi, Vellore District.
2. The Superintendent,Central Prison, Vellore.
3. The Inspector of Police,Panamadangi Police Station, Vellore District.
4. The Public Prosecutor,High Court, Madras.

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