

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.06.2020

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.8338 of 2020

1.Shanmugapandiyan
2.Pasupathy

... Petitioners

/Vs/

State rep by
The Sub Inspector of Police,
Moranam Police Station,
Thiruvannamalai District.
(Crime No.760 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under section 439 of Cr.P.C., to enlarge the Petitioners on Bail pending investigation in Crime No.760 of 2020 on the file of the Respondent Police.

For Petitioners : Mr.R.Sasikumar

For Respondent : Mr.C.Iyyappa Raj
Additional Public Prosecutor

* * * * *

ORDER

The petitioners were arrested and remanded to judicial custody on 09.05.2020 for the offences punishable under Sections 147,148, 294(b),

323, 506(ii) & 307 of IPC in Crime No.760 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 08.05.2020 at about 09.00 p.m., the respondent received an intimation from the Cheyyar Government Hospital, where one Raja Sekar was taking treatment. The respondent went to the hospital and recorded statement of the above said person Raja Sekar who has said that there was a wordy quarrel between his brother Raja and the petitioners for which the petitioners and some other persons trespassed into his house, brutally attacked him and his brother Raja and caused injuries to both of them.

3. The contention of the petitioners is that there was already some enmity between the said Raja who belong to the rival parties. The petitioners have been falsely implicated in this case. The petitioner has never attacked the above said person Raja Sekar and his brother Raja. Due to political rivalries the petitioners have been falsely implicated in this case however both the groups belongs to the different community.

4. The learned Additional Public Prosecutor would submit that intimation from the Government Hospital, Cheyyar, the respondent police has recorded the statement and the Raja Sekar who was taken treatment as inpatient and A1 & A2 has also caused injuries to the above said person Raja Sekar on his left hand wrist and his brother Raja got injured on his right hand wrist and left hand shoulder. In this case, the injured has been discharged from the hospital as far as A5 is concerned, there is no previous case against him. However the learned Additional Public Prosecutor submit that since there was a clash between the two groups, the petitioners return back to the village would disturb the peace of the public and cause nuisance in the village. He also submit that previous bail application of the petitioners was dismissed on 03.06.2020 in Crl.M.P.No.437 of 2020.

5. Taking into consideration the nature of allegations against the petitioners in the FIR and also taking note of the fact that the petitioners are judicial custody from 09.05.2020, this Court is inclined to grant bail to the petitioners, subject to the following conditions:

(a) the petitioners shall execute 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) the petitioners shall execute two sureties 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 lifting of lockdown 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 Villupuram Town Police Station for a period of two weeks daily at 10.30 a.m.

(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.

15.06.2020

arb

सत्यमेव जयते

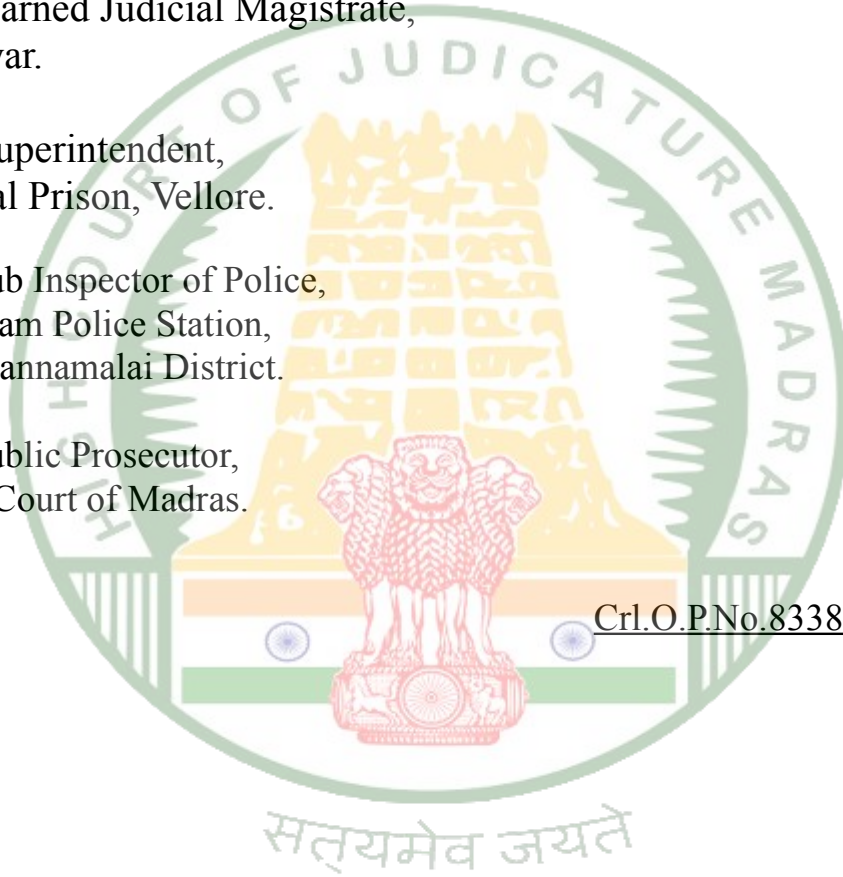
WEB COPY

M.NIRMAL KUMAR,J.

arb

To

1. The learned Judicial Magistrate,
Cheyyar.
2. The Superintendent,
Central Prison, Vellore.
3. The Sub Inspector of Police,
Moranam Police Station,
Thiruvannamalai District.
4. The Public Prosecutor,
High Court of Madras.



Crl.O.P.No.8338 of 2020

WEB COPY

15.06.2020