

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2020

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.8713 of 2020

1.Aravindan
2.Asaithambi
3.Abi alias Abikanath
4.Pawankumar alias Dinesh
5.Akash
6.Mukilan alias Mukilarasan ... Petitioners

/Vs/

State rep by
The Sub Inspector of Police,
Keezhpennathur Police Station,
Thiruvannamalai.
(Crime No.1091 of 2020) ... Respondent

Prayer: Criminal Original Petition filed under section 439 of Cr.P.C., to enlarge the Petitioners on Bail in Crime No.1091 of 2020, on the file of the Respondent Police.

For Petitioners : Mr.D.Parventhan

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

* * * * *

ORDER

The petitioners were arrested and remanded to judicial custody on 22.05.2020 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307 & 506(ii) of IPC in Crime No.1091 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 21.05.2020 there was a clash between two groups over occupying the cricket pitch and playing cricket in the open space in Government School play ground. The other group had been deliberately holding the play ground and not allowing the petitioners to play. When the same was questioned by the second petitioner, he was assaulted by the other group. Thereafter, the second petitioner had informed the other accused who were armed with knife and attacked the other group, in which both the groups exchanged blows and sustained injuries and a case in counter in Crime No.1091 of 2020 against the petitioner and in Crime No.1092 of 2020 against the defacto complainant and his group has been registered.

3. The learned counsel for the petitioners submit that the first,

second and sixth petitioners are B.A.English literature Graduates who had completed their graduate at Al-Ameen Arts & Science College, Somasipadi and the third petitioner has completed Diploma in Civil Engineering and working in a private finance company. The fourth petitioner has completed B.Sc.Bio Chemistry at Government Arts & Science College. The fifth petitioner has completed school studies and working as a coolie in a vest company, Tirupur, due to the Covid-2019 period, these petitioners wanted to play the game of cricket in the public school play ground which was not allowed by the other group. These petitioners deliberately kept away and the other group holding the ground for two days, when the same was questioned, one of the petitioner was assaulted thereafter all the petitioners joined together and questioned the same, wherein there was exchange of blows and during the fight the other group had insulted by these petitioners, who belongs to different community by calling their caste names and attacking them. These petitioners had inflicted grievous injuries on the other group. It is submitted that both the petitioners group and the other group are now remanded and in confinement and the injured persons have been discharged from the hospital.

4. The learned Additional Public Prosecutor submitted that there is some dispute with regard to playing cricket in the Government School play ground, the petitioners belongs to suppressed community and the other groups were not allowing the petitioners to occupy and play cricket in the play ground. When the same was questioned, there was fight between the two groups, the other group assaulted the petitioners group with cricket stump and bat and the petitioners group assaulted with knife and wooden log, which caused injuries an both sides. In fact the other group had sustained grievous injuries. Since the prohibitory word was uttered a case against the other group was registered under the SC & ST Act, initially picketing was posted and now the picketing withdrawn and normalcy has been returned. Considering the same, the petitioners are granted bail.

5. The learned counsel for the petitioners as well as the learned Additional Public Prosecutor submitted that the elders of both the group will be advised not to further precipitate the matter and to arrive at a compromise and return of cordiality between both the groups.

6. Taking into consideration the nature of allegations against the petitioners in the FIR and also taking note of the fact that the petitioners were in judicial custody from 22.05.2020, considering the age of the petitioners, 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 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 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.

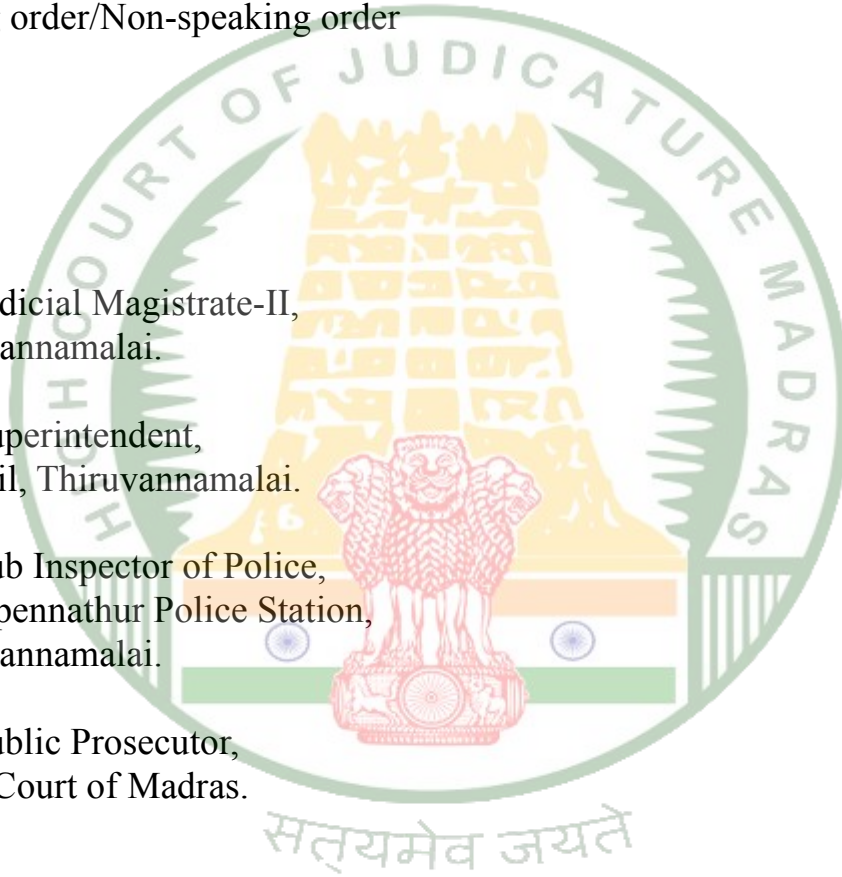
7. With the above directions, this Criminal Original Petition is ordered.

17.06.2020

Index: Yes/No
Internet: Yes/No
Speaking order/Non-speaking order
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To

1. The Judicial Magistrate-II,
Thiruvannamalai.
2. The Superintendent,
Sub Jail, Thiruvannamalai.
3. The Sub Inspector of Police,
Keezhpennathur Police Station,
Thiruvannamalai.
4. The Public Prosecutor,
High Court of Madras.

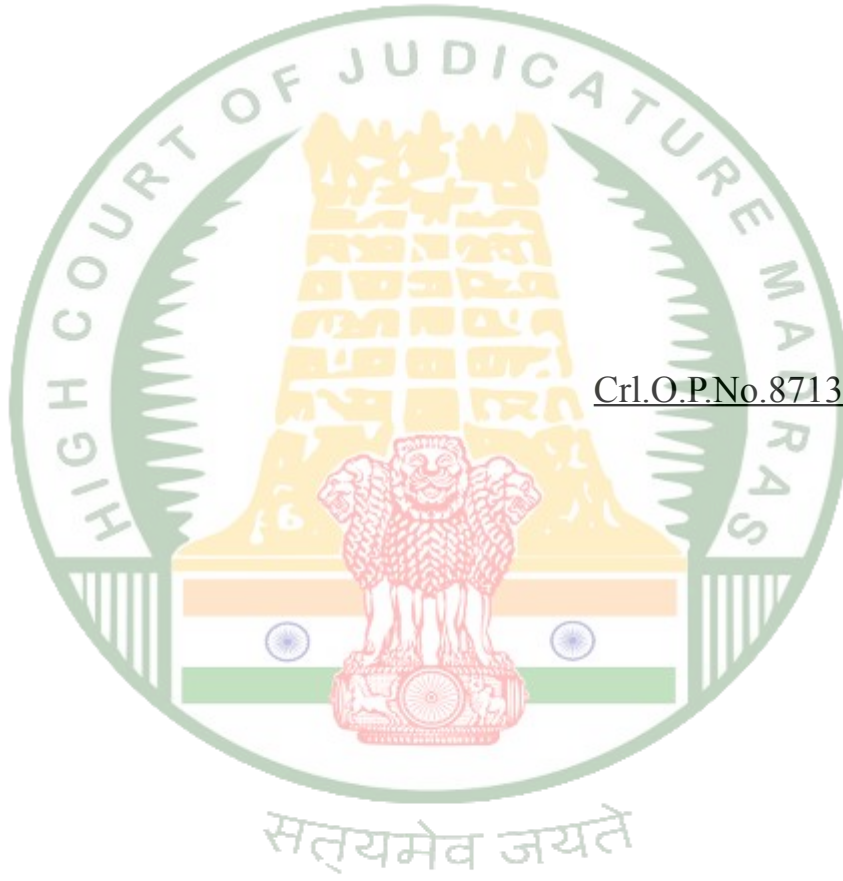


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M.NIRMAL KUMAR,J.

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