

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2020

CORAM:

THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR

CRL.O.P.NO.8741 of 2020

Thangaraj

... Petitioner/A1

Vs.

The State Rep.by
The Inspector of Police,
Thirukkalar Police Station,
Thiruvarur District.
(Crime No.324 of 2020)

... Respondent

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail in Crime No.324 of 2020 on the file of the respondent police.

For Petitioner : Mr.Swami Subramanian

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

सत्यमेव जयते

ORDER

The Petitioner who was arrested and remanded to judicial custody on 23.05.2020 for the offences punishable under Sections 147, 148, 341, 294(b), 324 and 506(ii) of IPC, in Crime No.324 of 2020 on the file of the respondent police,

seeks bail.

2. The case of the prosecution is that there was a political dispute between the petitioner and the defacto complainant. On 22.05.2020, at about 8.00 pm, the defacto complainant has gone to the market. At that time, the petitioner along with other accused waylaid the defacto complainant and attacked him with crow bar, spade and wooden log on his head and hands and further they abused the defacto complainant with abusive language. In this case, A2 had also attacked the defacto complainant with crowbar on his head. Hence the case came to be registered.

3. The petitioner submits that the petitioner is noway connected in this occurrence. Due to political rivalry, motivated complaint has been lodged against the petitioner. Further he submits that in this case, except for the petitioner, all the other accused have been granted bail by this Court in CrI.O.P.Nos.8332, 8334, 8335, 8381,8382 of 2020 and further the victim had discharged from the hospital. Hence, he seeks bail.

4. The learned Public Prosecutor has submitted that the motive for the attack of the defacto complainant is that the relative of the petitioner who was working as a clerk in the Panchayath had misappropriated its funds and the defacto complainant's wife is the ward member of the Panchayath who was instrumental in finding out the misappropriation of the relative of the petitioner. Hence the petitioner had motive and attacked the victim. Further he has submitted that according to the prosecution, A2 in this case has attacked the defacto complainant with the crow bar on his head and the petitioner herein attacked him with spade on his back and the other accused in this case had attacked him with wooden log all over his body and thereafter, they threatened him with dire consequences. He further submits that the defacto complainant admitted in hospital had taken treatment as inpatient and lodged a complaint on 22.05.2020 and the petitioner was arrested on 23.05.2020. With regard to the other accused, they have obtained Anticipatory Bail and now the defacto complainant discharged from the hospital.

5. Considering the submissions on either side and this Court had granted Anticipatory Bail to the other accused and also consider the period of incarceration of the petitioner and the victim was discharged from the hospital, this Court is inclined to grant bail to the Petitioner, subject to the following

conditions:-

(a) the Petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the concerned prison.

(b) the petitioner 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 Petitioner shall report before the Respondent Police as and when required for interrogation.

(e) the Petitioner shall not commit any offences of similar nature;

(f) the Petitioner shall not abscond either during investigation or trial;

(g) the Petitioner 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 Petitioner in accordance with law as if the conditions have been imposed and the Petitioner 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];
and

(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.

16.06.2020

Internet: Yes/No

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To

1.The Judicial Magistrate No.II,
Mannargudi,
Thiruvavur District.

2.The Inspector of Police,
Thirukkalar Police Station,
Thiruvavur District.

3.The Public Prosecutor,
High Court, Madras.

Copy to

The Superintendent,
Central Prison,

5/7

Thiruchirapalli.



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M.NIRMAL KUMAR.,J.

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