

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. 8742 of 2020

Sathish

... Petitioner/Accused No.1

Vs.

The State Rep. By
The Inspector of Police,
Thally Police Station,
Krishnagiri District.

... Respondent

Prayer : Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioner on bail in Crime No.4 of 2020 on the file of the respondent police.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.C.Iyyappa Raj

Additional Public Prosecutor

सत्यमेव जयते *****

WEB COPY
ORDER

The Petitioner who was arrested and remanded to judicial custody on 30.05.2020 for the offences punishable under Sections 147, 148, 323, 324 and 307

of IPC, in Crime No.4 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 14.01.2020 at about 6.00 pm, Thimmarayappa and his friend Praveen while riding a motorcycle had hit the dog of the defacto complainant. Due to which the defacto complainant and his relative Lokesh picked up quarrel with him. Thereafter at about 9.00 pm, the said Thimmarayappa along with his friends from his village Devapatta had picked up the quarrel with the defacto complainant's relative by name Bairappa. During the quarrel, the petitioner had beaten the defacto complainant's son by using a beer bottle. Thereafter there had been exchange of blows between the defacto complainant group and the petitioner group. The defacto complainant's group had beaten Thimmarayappa with bamboo sticks and the petitioner also sustained grievous head injury and both the groups sustained severe injuries and they were admitted in the hospital for treatment. During the treatment, the said injured Thimmarayappa had succumbed to the injury and the case in Crime No.3 of 2020 for the offences under sections 302,324 of IPC came to be registered. As against the petitioner, a case in Crime No.4 of 2020 for the offences under sections 147, 148, 323, 324 and 307 of IPC, case has been registered.

3. The learned counsel for the petitioner submits that the defacto complainant's group are the aggressors picked up the quarrel with regard to the dog's hit by the motorcycle. Thereafter assaulted the petitioners' group. Thereafter a fight arose between the two groups. In the fight, the Thimmarayappa belonging to the petitioner group has sustained injuries and the said Thimmarayappa had died. The petitioner had sustained severe injuries and he admitted in hospital and took treatment as inpatient for 30 days. The petitioner sustained 17 injuries on his head. Hence, he prayed for Bail.

4. The learned Additional Public Prosecutor has submitted that there has been a clash between two groups, the petitioners group are the aggressors, who came from different village to the village of the defacto complainant picked up the quarrel and attacked them in which the defacto complainant's group had also sustained serious injuries and they were admitted in the hospital. One of the member from the petitioner group sustained injuries and later succumbed injuries. The petitioner sustained injuries and took treatment in the hospital as inpatient. Further, apart from this case, the petitioner is involved in four previous cases out

of which two cases under section 302 IPC, one case under section 307 IPC and another under section 392 IPC. The petitioner at this young age, involved in offences of serious nature. The petitioner using the criminal cases pending against him as a credit leads the mob and attack others and he is the cause of concern to the society who always create law and order problem. The Public Prosecutor having apprehension that the petitioner would again create a problem in the village and the petitioner is directed to be kept away . The contention of the Public Prosecutor is if the petitioner is granted bail, peace and tranquility of the village will get disturbed. Hence he opposed the bail application.

5. Considering the submissions and the petitioner sustained 17 injuries on his head is not a disputed fact and the petitioner has been treated as inpatient and taking treatment for one month and further some of the accused in this case have been granted bail, this Court is of the view that the petitioner to be granted bail subject to the following conditions:

WEB COPY

(a) the Petitioner shall deposit a sum of Rs.10,000/- (Rupees ten Thousand only) to the Cancer Institute (WIA), (Regional Cancer Centre), Adyar, Chennai –

600 020 (Bank: Andhra Bank, Madhya Kailash, SB A/C No.149710011005477), and on such deposit, the Petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the concerned prison, in which the Petitioner has been confined on his release;

(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.

(j) The petitioner is directed not to enter the village. The petitioner undertakes to stay in his brother-in-law's house, ie., N.Ravikumar, S/o Nagaraja's house, at No.40, Madhapattanna, Aneikal, Haragadde, Jigani District, State of Karnataka, 560 105. Further, the petitioner is directed to appear before the Aneikal Town Police station daily at 10.30 am.

(k) The petitioner should make himself available as and when required. The petitioner submitted that he can be contacted in his mobile No.9035607041. The petitioner should stay at State of Karnataka at the above address. He is permitted to appear before the concerned police as and when required by the respondent police. Further the petitioner is permitted to appear before the concerned court in connection with his pending cases.

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

16.06.2020

Internet: Yes/No

mfa

To

- 1.The District Munsif cum Judicial Magistrate,
Denkanikottai.
- 2.The Inspector of Police,
Thally Police Station,
Krishnagiri District.
- 3.The Public Prosecutor,
High Court, Madras.

Copy to

1. The Superintendent,
Sub Jail,
Krishnagiri.
2. The Inspector of Police,
Aneikal Police Station,
Aneikal,
Karnataka.



WEB COPY

M.NIRMAL KUMAR.,J.

mfa



Crl.O.P.No.8742 of 2020

16.06.2020

WEB COPY