

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.06.2020

CORAM

THE HONOURABLE MR.JUSTICE. M. NIRMAL KUMAR

CrI. O.P. No.8920 of 2020

- | | |
|-----------------------|-------------------|
| 1. Barath | ... Petitioner/A1 |
| 2. Panneerselvam | ... Petitioner/A2 |
| 3. Prithivi @ Pradeep | ... Petitioner/A3 |
| 4. Parthiaban | ... Petitioner/A4 |

Vs.

The State Rep. by,
The Inspector of Police,
Pattabiram Police Station,
Thiruvallur District.
(Crime No.413 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the Petitioner on bail in Crime No.413 of 2020 pending on the file of the respondent police.

For Petitioners : Mr. R. Sasikumar

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

ORDER

The Petitioners, who were arrested and remanded to judicial custody on **26.05.2020** for the alleged offence punishable under Section **307 of IPC in Crime No.413 of 2020**, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 25.05.2020, there was a wordy quarrel between the fruit vendor and the defacto complainant's brother. At that time, the villagers had advised him to stop such act and creating public nuisance. But, the defacto complainant's brother and others had took a knife and tried to assault the villagers for which the villagers have attacked the defacto complainant's brother with stone and that he sustained severe injuries on his head and thereafter the petitioners called the 108 Ambulance. But the Ambulance was not responding.

Thereafter, the petitioners have arranged a private taxi and send

him to the Rajiv Gandhi Government Hospital for treatment. Hence the complaint has been registered.

3. The learned counsel for the petitioner would submit that there was some previous enmity between the petitioners and the defacto complainant due to which, a false case has been foisted against these petitioners. He would further submit that the petitioners are innocent and no way connected in this case and as far as the petitioners are concerned they never committed any offence as alleged by the prosecution. Further he submitted that the victim has been discharge from the hospital after taking three days treatment. Hence he prays for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the victim in this case under the influence of alcohol created trouble in the public place and picked up quarrel with the fruit vendor and attempted to attack him with knife. Therefore, the villagers had questioned the same and assaulted the defacto complainant and his brother with stones and that the petitioners are part of the villagers who had attacked the defacto complainant and his brother due to which, the victim got severe injury on his head and later the petitioners have made arrangements and send him to the hospital for treatment. He would further submit that the victim has been discharged from the hospital after taking three days treatment. However, he vehemently opposed for the grant of bail to the petitioners.

5. Taking into consideration the nature of allegations against the petitioners in the FIR and the fact that the victim has been discharge from the hospital and also taking note of the fact that the petitioner is in judicial custody from 26.05.2020, this Court is 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) each, before the Superintendent of the concerned prison, in which the petitioner has been confined on his 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 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.

-sd/-
18/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सत्यमेव जयते
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.II,
THIRUVALLUR.

2 THE SUPERINTENDENT,
SUB-JAIL, PONNERI.

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3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

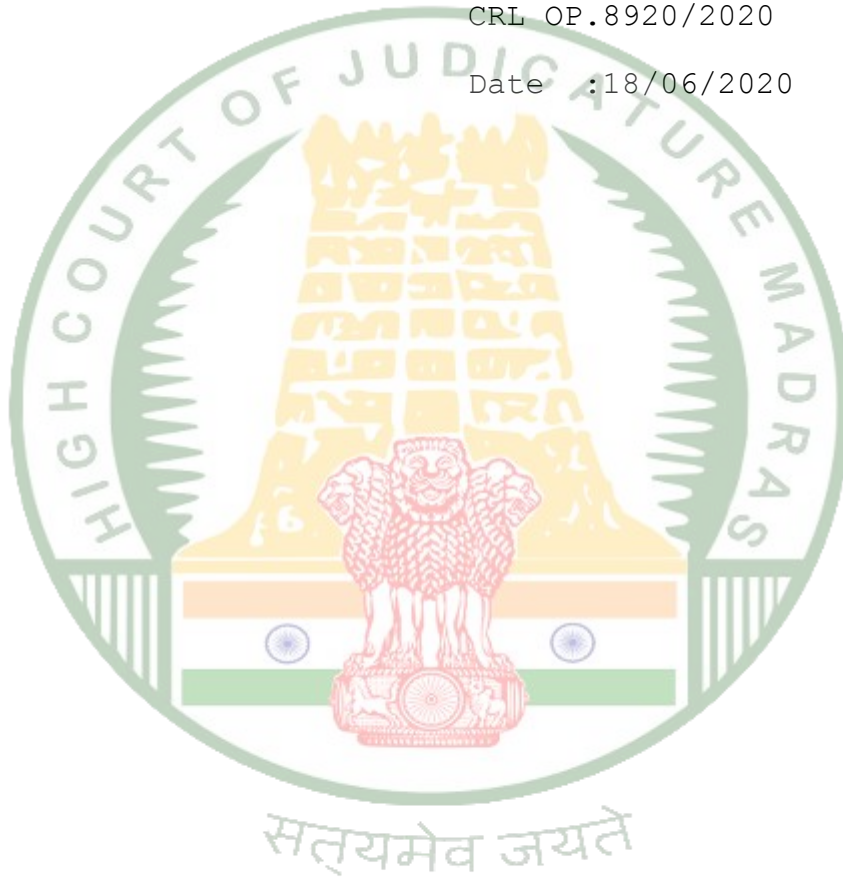
4 THE INSPECTOR OF POLICE,
PATTABIRAM POLICE STATION,
THIRUVALLUR DISTRICT.

CC to M/S R.SASIKUMAR Advocate on payment of necessary
charges

CRL OP.8920/2020

Date :18/06/2020

MK:30/09/2020



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