

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.9007 of 2020

1.Suresh
2.Tamil Kumaran
3.Gopikrishnan

... Petitioners

Vs.

State rep.by
Inspector of Police,
B-2 Vishnu Kanchi Police Station,
Kancheepuram.
Crime No.2117 of 2020

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
praying, to enlarge the petitioners /accused on bail and release them
from the custody in Crime No.2117 of 2020 pending on the file of the
respondent police.

For Petitioners : Mr.P.G.Santhoshkumar

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

O R D E R

The petitioners, who were arrested and remanded to judicial
custody on 06.06.2020 for the offences punishable under Sections 147,
294(b), 448,323,324,506(2) IPC and 3(1) of TNPPDL Act in Crime No.2117
of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 06.06.2020 at about
10 a.m., A1 purchased 100 gms of palm sugar from the shop of defacto
complainant. Since the palm sugar was not of good quality, he
questioned the defacto complainant about the quality of the palm
sugar, for which, the defacto complainant had shouted at A1 and pushed
him down who is 76 years old. A1 informed about the incident to his
son and family members. Thereafter, A1 along with his family members
came in car and motorcycle and entered into the shop of the defacto
complainant and damaged the TV and broken the glass bottles worth
about Rs.5,000/-. Hence, this complaint.

3. The learned counsel for the petitioner submitted that A1 has gone to the defacto complainant's shop, who is 76 years old. He purchased palm sugar from the defacto complainant's shop and found that the quality of the palm sugar was not good. Hence, he questioned the same to the defacto complainant. The defacto complainant along with his brother abused A1 with filthy language and pushed him down. When it was questioned by the petitioners, fight arose between the petitioners and defacto complainant, due to which, some articles in the shop got damaged. The petitioners have not damaged the articles with motive. He also submitted that A1 was granted Anticipatory Bail by this Court in Crl.O.P.No.9046 of 2020 on 19.06.2020. Hence, he prayed for grant of bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners are the son and grand sons of A1. The first accused who is an elderly person, had gone to the defacto complainant shop who is running a country medical shop. A1 purchased palm sugar from the shop and found the quality of it was not good and also questioned the same. The defacto complainant abused A1, due to which, quarrel occurred between the petitioners and the defacto complainant. The entire incident has occurred due to fit of rage. He also submitted that there is no previous bad antecedents against the petitioners.

5. Considering the fact that the first accused was granted anticipatory bail by this Court in Crl.O.P.No.9046 of 2020 on 19.06.2020 and taking into consideration the nature of allegations against the petitioners in the FIR and also taking note of the fact that the petitioners are in judicial custody from 06.06.2020, 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) 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 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/-

19/06/2020

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

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

TO

1 THE DISTRICT AND SESSIONS JUDGE,
KANCHEEPURAM.

2 THE JUDICIAL MAGISTRATE,
NO.I, KANCHIPURAM.

3 THE OFFICER INCHARGE
SUB-JAIL, KANCHEEPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
B2-VISHNU KANCHI POLICE STATION,
KANCHEEPURAM.

CC to M/S.P.G.SANTHOSH KUMAR Advocate on payment of necessary charges

CRL OP.9007/2020

Date :19/06/2020