

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.07.2020

CORAM :

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.9551 & 9509 of 2020

1.Appu @ Vignesh

2.Rajesh

... Petitioners in Crl.O.P.9551/2020

Veeramani

... Petitioner in Crl.O.P.9509/2020

Vs.

State rep. by

INSPECTOR OF POLICE

B-3, Kanchi Taluk Police Station

Kanchipuram

Kanchipuram District

(Crime No.1690 of 2020)

... Respondent in both Crl.O.Ps.

COMMON PRAYER: Criminal Original Petitions are filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.1690 of 2020 pending investigation on the file of the respondent.

For Petitioners : Mr.K.G.Senthil Kumar in both Crl.O.Ps.

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. Side)

C O M M O N O R D E R

(These cases have been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 17.06.2020 for the offence punishable under Sections 147, 148, 294(b), 324, 506(ii) and 307 IPC, in Crime No.1690 of 2020, seek bail.

2.The case of the prosecution as per the defacto complainant is that due to financial dispute, A1 engaged other accused and at the instigation of A1, other accused assaulted the defacto complainant with wooden log and iron rod. The victim / defacto complainant was admitted in the hospital and based on the statement given by the defacto complainant, a case was registered in Crime No.1690 of 2020.

3.The learned counsel appearing for the petitioners would submit that the petitioner in Crl.O.P.No.9509 of 2020 is A1 and the petitioners in Crl.O.P.No.9551 of 2020 are A2 & A3. He would further submit that A1 had borrowed a sum of Rs.43 lakhs from the defacto complainant, who is a private financier and a formal sale was executed towards security. However, despite the amount being repaid, the defacto complainant did not transfer the property to A1, thereby, there was a quarrel and in order to evade the property transfer, a false complaint has been given. He would further submit that the petitioners were arrested on 17.06.2020. He would further submit that the injured has been discharged from the hospital.

4.The learned Government Advocate (Criminal Side) would submit that due to financial transaction, A1 in this case has engaged other accused persons and assaulted the defacto complainant with wooden log and iron rod. He would further submit that the injured has been discharged from the hospital and investigation is pending.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels and period of incarceration from 17.06.2020, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, these 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 petitioners have been confined and thereafter on their release;

(b) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate No.II, Kanchipuram, Kanchipuram District, within a period of two weeks after lifting of lock down or the commencement of the Court's normal functioning whichever is earlier, 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 daily at 10.30 a.m. until further orders.

(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.

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

-sd/-
15/07/2020

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 JUDICIAL MAGISTRATE,
NO.II, KANCHIPURAM,
KANCHIPURAM DISTRICT.

2 THE OFFICER INCHARGE
SUB-JAIL, TIRUTHANI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
B-3, KANCHI TALUK POLICE STATION,
KANCHIPURAM, KANCHIPURAM DISTRICT.

CC to M/S. K.G.SENTHILKUMAR Advocate on payment of necessary charges

CRL Ops.9551 & 9509/2020

Date :15/07/2020

cs 17/08/2020