

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.9847 of 2020

K.Ezhilarasan

.. Petitioner/Accused No.2

/versus/

The State

Rep.by the Inspector of Police,
Kalasapakkam Police Station,
Thiruvannamalai District.
(Crime No.1101 of 2020)

.. Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail in respect of Crime No.1101 of 2020 on the file of Kalasapakkam Police Station, Thiruvannamalai District pending investigation.

For Petitioner : Mr.S.B.Viswanathan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 24.05.2020 for the offence punishable under Sections 147,148, 294(b), 323, 506(ii) and 307 of IPC in Crime No.1101 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that one Jayakodi lodged a complaint before the respondent against the petitioner and other accused persons stating that on 23.05.2020 at about 9 PM, the de-facto complainant, her husband and few villagers attempted to stop the 1st accused Raja and his accompanies from committing theft of river sand at Seyyar river, the 1st accused Raja along with 8 others including the petitioner, had scolded and attacked the de-facto complainant and her husband, who sustained injuries. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioners would submit that the petitioner belonged to rival group of A1, who contested the local body Panchayat Election against the defacto complainant and the petitioner is the brother of A1 and the petitioner has not involved in any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that there is no previous case pending as against the petitioner. Further, he would submit that the petitioner is in

judicial custody from 24.05.2020 and seeks bail for the petitioner.

4. The learned Additional Public Prosecutor would submit that the 1st accused Raja attacked the de-facto complainant and A2 armed with kuduval and A3 armed with Iron rod, A6 used a stone and A8 used a stick. He would further submit that the victims have been discharged from the hospital.

5. Considering the facts and circumstances of the case and also taking note of the fact that the petitioner is in judicial custody from 24.05.2020 and the fact that the co-accused have already been granted bail by this Court, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) 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];

(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/-

03/07/2020

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,
KALASAPAKKAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE INSPECTOR OF POLICE,
KALASAPAKKAM POLICE STATION,
THIRUVANNAMALA DISTRICT.

CC to M/S S.B.VISWANATHAN Advocate on payment of necessary charges

CRL OP.9847/2020

Date :03/07/2020

RVR 28/08/2020

सत्यमेव जयते

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