

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

CrI. O.P. No. 9854 of 2020

1.Ayyasamy
2.Kumar
3.Elangovan

... Petitioners

-vs-

The Inspector of Police,
Virudhachalam Police Station,
Cuddalore District.
(Cr.No.1108 of 2020)

... Respondent

PRAYER:- Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 1108 of 2020, pending investigation on the file of the respondent.

For Petitioners : Mr.S.Sathishrajan

For Respondent : Mr. K. Prabakar
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The Petitioners, who were arrested and remanded to judicial custody on 20.06.2020 for the offences punishable under Sections 147, 148, 294(b), 307 of IPC and Section 27(1) of Arms Act in Crime No.1108 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution as per the de-facto complainant is that on 20.06.2020, when the respondent police went in search, the petitioners and other accused persons were present inside the cashew grove, which is a forest area and the petitioners made an attempt to assault the defacto complainant.

3.The learned counsel for the Petitioners would submit that the petitioners are innocent and due to election dispute, the petitioners have been falsely implicated in this case. He would further submit that the petitioners are in custody for more than 20 days.

4.The learned Additional Public Prosecutor would submit that the the first petitioner/A1 is a notorious gangster and four previous cases are pending against him.

5. At this juncture, learned counsel for the petitioners would seek to withdraw the petition with respect to the first petitioner.

6. Taking into consideration of the facts and circumstance of this case and also considering the fact that the petitioners were in custody, this Court is inclined to grant bail to the Petitioners 2 and 3 subject to the following conditions:-

(a) Accordingly, the Petitioners 2 and 3 are 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 and thereafter on his release;

(b) the Petitioners 2 and 3 shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate No.I, Virudhachalam, Cuddalore District within 15 days from the date of lifting of the lock down and the commencement of the Court's normal functioning, 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 2 and 3 shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

(e) the Petitioners 2 and 3 shall not commit any offences of similar nature;

(f) the Petitioners 2 and 3 shall not abscond either during investigation or trial;

(g) the Petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the Petitioners 2 and 3 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.

7.The petition is dismissed in respect of the first petitioner.

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

-sd/-
01/07/2020

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.I,
VIRUDHACHALAM, CUDDALORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
VIRUDHACHALAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VIRUDHACHALAM POLICE STATION,
CUDDALORE DISTRICT.

CC to M/S.S.SATHISH RAJAN Advocate on payment of necessary charges

CRL OP.9854/2020

Date :01/07/2020

MK:06/08/2020