

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2020

CORAM:

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

Crl.O.P.No.10196 of 2020

1. Vignesh Kumar  
2. Kalaivani

... Petitioners

Vs.

State By  
The Inspector of Police,  
Polur Police Station,  
Thiruvannamalai District.  
Crime No.1952 of 2020

... Respondent

PRAYER: This Criminal Original Petition filed under section 439 of Cr.P.C., seeking to enlarge the petitioners on bail, in the case pending investigation in Crime No. 1952 of 2020, on the file of the Respondent Police.

For Petitioner : Mr.R.Thamaraiselvan

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

O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 26.06.2020 for the offences punishable under Sections 147, 148, 294 (b), 323, 324, 506(ii), 307 IPC in Crime No.1952 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to dispute in respect of parking of Tempo Traveller, the petitioners have assaulted the defacto complainant and her relatives. Hence, the complaint.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent and that they have been falsely implicated in this case. He further submitted that the defacto complainant and his relatives are aggressors. They assaulted the petitioners and their relatives following which, a complaint was lodged against the defacto complainant and his relatives and the same has been registered in Crime No.1996 of 2020. He would further submit that the petitioners have been in judicial custody from 26.06.2020. Hence, he seeks for grant of bail to the petitioners.

4. The learned Government Advocate submitted that during the incident, five persons got injured and now all of them have been discharged from the hospital. However, he opposed for the grant of bail.

5. Taking into consideration the facts and circumstances of the case, there is a case in counter and that the injured have been discharged from the hospital and also considering the period of incarceration by the petitioners from 21.06.2020, this Court is inclined to grant bail to the petitioners subject to the following conditions:

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

(b) each petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate, Pollur, on or before 07.08.2020, 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 stay at Thiruvannamalai and report before the Inspector of Police, Town Police Station, Thiruvannamalai, daily at 10.30 a.m. for a period of two weeks and thereafter every Monday at 10.30am until further order. The petitioners shall not enter into the jurisdictional limits of the respondent police 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/-

07/07/2020

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,  
POLLUR

2 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,  
POLUR POLICE STATION,  
THIRUVANNAMALAI DISTRICT.

4 THE OFFICER INCHARGE,  
SUB JAIL, POLUR

5 THE SUPERINTENDENT,  
CENTRAL PRISON, VELLORE.

6 THE INSPECTOR OF POLICE,  
TOWN POLICE STATION,  
THIRUVANNAMALAI

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

WEB COPY

CRL OP.10196/2020

Date :07/07/2020

RVR 01/09/2020