

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.07.2020

CORAM :

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

Cr1.O.P.No.10315 of 2020

1.Sankar
2.Prasanth
3.Divakar
4.Ramasamy
5.Jayachandiran
6.Tamilselvi
7.Sakthi
8.Sathiya @ Sandhiya
9.Senbagavalli
10.Sangeetha

... Petitioners

Vs.

State Rep. by Sub Inspector of Police
Jolarpet Police Station
Vellore District
(Crime No.426 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.426 of 2020 pending investigation on the file of the Respondent.

For Petitioners	:	Mr.E.Kannadasan
For Respondent	:	Mr.Shunmugarajeswaran Government Advocate (Cr1. 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 14.06.2020 for the offence punishable under Sections 147, 148, 448, 294(b), 506(ii), 307 IPC r/w. Section 3(1) of Tamil Nadu Public Property (Prevention of Damage & Loss) Act 1992, in Crime No.426 of 2020, seek bail.

2. The case of the prosecution is that the defacto complainant's son eloped with the daughter of the 1st accused. Enraged by the said act, the 1st accused along with his wife and other relatives trespassed into the house of the defacto complainant, abused her in filthy language, assaulted and also caused damaged to the house hold articles to the tune of Rs.6 lakhs.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the A1's daughter and the defacto complainant's son were in love and they eloped from the house, thereby, the petitioners being the relatives of the 1st accused, went in search of her into the house of the defacto complainant, for which, she had given a false complaint against them. He would further submit that the petitioners were arrested on 14.06.2020.

4.The learned Government Advocate (Criminal Side) would submit that the 1st accused daughter and the defacto complainant's son eloped from Coimbatore. The petitioners unable to find their daughter, trespassed into the complainant's house, assaulted her and her family members and also caused damage to the house hold articles to the tune of Rs.6 lakhs. The petitioners only made an attempt to injure the defacto complainant but nobody was injured.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels, 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) the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate No.1, Thiruppathur, within 15 days from the date of lifting of the lockdown 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 shall report before the respondent police daily at 10.30 a.m. for a period of one week and thereafter 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 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/-
09/07/2020

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, THIRUPPATHUR.

2 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

3 THE SUPERINTENDENT,
SPECIAL CENTRAL PRISON FOR WOMEN,
VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUB INSPECTOR OF POLICE,
JOLARPET POLICE STATION,
VELLORE DISTRICT.

CC to M/S. E.KANNADASAN Advocate on payment of necessary charges

CRL OP.10315/2020

Date :09/07/2020