

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.07.2020

CORAM :

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

Crl.O.P.No.10426 of 2020

1.Saravanan
2.Anaikutti
3.Velayutham
4.Kuppan
5.Velu

... Petitioners

Vs.

The State Rep. by
The Inspector of Police
Kilkodungalore Police Station
Chennai
(Crime No.1021 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.1021 of 2020 on the file of the Kilkodungalore Police Station, Tiruvannamalai.

For Petitioners : Mr.S.Kartik

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 17.06.2020 for the offence punishable under Sections 147, 148, 294(b), 323, 324, 353, 506(2), 307 IPC, in Crime No.1021 of 2020, seek bail.

2. The case of the prosecution as per the de-facto complainant one G.Kumaran, Police Head Constable is that when the police went to the Village of the petitioners to conduct investigation of the missing girl Nathiya, the petitioners have assaulted the police, due to which, the de-facto complainant sustained injuries on his eyebrow and he has also lost his one of the teeth.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent person and they have been falsely implicated in this case. He would further submit that the police personnel without disclosing the identity and without their uniform enquired the village people about the missing girl Nathiya, the petitioners, who are the local resident of the village, without knowing the fact that they are the police officials, have assaulted the de-facto complainant.

4.The learned Government Advocate (Crl. Side) would submit that the de-facto complainant and his team had gone to the Village on duty to search the missing girl Nathiya. The accused persons who are the resident of that village, have assaulted them indiscriminately and the de-facto complainant lost his tooth and also sustained injuries on his eyebrow. Investigation is pending.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the of the learned counsels and the petitioner is suffering incarceration from 17.06.2020, 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 petitioner has been confined 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 Judicial Magistrate Court, Vandavasi, 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 station daily at 10.30 a.m. for two weeks and thereafter on every Monday 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/-
10/07/2020

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 COURT,
VANDAVASI.

2 THE OFFICER INCHARGE
SUB-JAIL, TIRUVANNAMALAI.

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KILKODUNGALORE POLICE STATION,
CHENNAI.

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

CRL OP.10426/2020

Date :10/07/2020