

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.07.2020

CORAM :

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

Crl.O.P.No.10657 of 2020

1. Anbazhagan
2. Shanmugam
3. Murugan

... Petitioners

Vs.

The State of Tamil Nadu,
Rep. by Inspector of Police,
Sevvapet Police Station,
Sevvapet, Tiruvallur District
(Cr. No. 1073 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to to enlarge the Petitioners on bail in Cr.No. 1073 of 2020 on the file of the Inspector of Police, Sevvapet Police Station, Tiruvallur District.

For Petitioners : Mr.C.D.Johnson

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

O R D E R

(This case has been heard through video conference)

The petitioners / A1, A2 and A3, who were arrested and remanded to judicial custody on 29.5.2020 for the offences punishable under 147,148, 341,294(b), 324, 307and 506(ii) of the Indian Penal Code 1860 read with section 4 Women Harassment Act in Crime No.1073 of 2020, seek bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are the adjacent land owners and that on 29.5.2020, due to a dispute that arose between the petitioners and the defacto complainant regarding fencing, the petitioners have assaulted the defacto complainant and his relatives, due to which, four persons sustained injuries.

3.The learned counsel appearing for the petitioners would submit that there was dispute with regard to fencing of properties. The defacto complainant and his relatives are aggressors and they have assaulted the petitioners and their relatives. He would further submit that in fact 3 days prior to the occurrence, the petitioners and the relatives of the petitioners were assaulted by the defacto complainant and his

family members and based on that, a complaint was also given by the petitioners in Cr.No.1074 of 2020 which has been registered against the defacto complainant before the respondent police. It is his further submission that the injured has been discharged from the hospital and the petitioners are at incarceration for the past 48 days since 29.5.2020.

4.The learned Government Advocate (Criminal Side) would submit that due to the dispute regarding fencing of adjacent properties, the petitioners assaulted the defacto complainant and his relatives and his wife Parameshwari. He would further submit that four persons were injured and all of them were discharged from the hospital, however, A4, A5 and A6 are still absconding.

5.Taking into consideration of the facts and circumstances and also taking note of the fact that there is a case and a counter case, and that the petitioners are in incarceration from 29.5.2020, 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 on their release;

(b) Thereafter, the petitioners shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned Judicial Magistrate, Thiruvallur, Thiruvallur District, within a period of two weeks after lifting of lock down or the commencement of the Court's normal functioning whichever is earlier, 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 Chennai and report before the Ayanavaram Police Station daily at 10.30 a.m. for a period of two weeks and thereafter on every Monday at 10.30 a.m. until further orders. It is made clear that the petitioners shall not enter into the jurisdiction of the respondent police.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during
<https://hcservices.ecourts.gov.in/hcservices/> 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/-
17/07/2020

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,
THIRUVALLUR. सत्यमेव जयते

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE JAILER,
THE NEW CENTRAL JAIL,
PUZHAL, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

WEB COPY

5 THE INSPECTOR OF POLICE,
SEVVAPET POLICE STATION,
SEVVAPET, TIRUVALLUR DISTRICT.

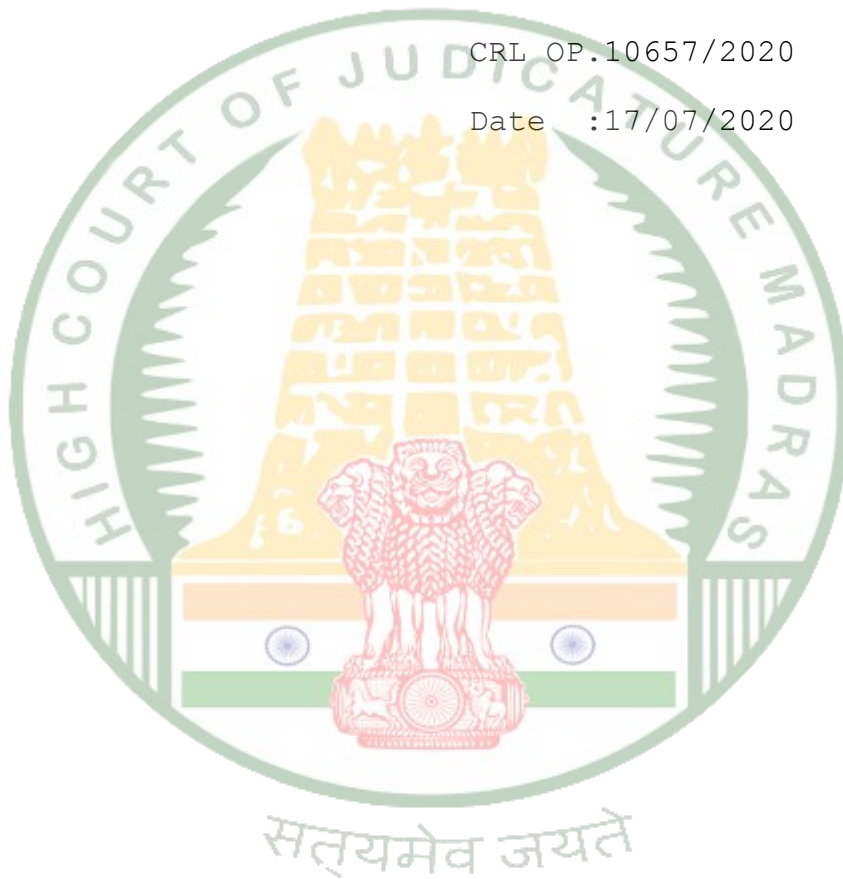
6 THE OFFICER INCHARGE,
AYANAVARAM POLICE STATION,
CHENNAI.

CC to M/S.C.D.JOHNSON Advocate on payment of necessary
charges

CRL OP.10657/2020

Date :17/07/2020

MK:19/08/2020



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