

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.11252 of 2020

1.Prem, Male age 19 years,

S/o.Manokaran,

No.2/113, Perumal Koil Street,

Periyamullaivoyal,

Vichoor, Chennai -103.

2.Karan, Male age 20 years,

S/o.Venkatesan,

No.20/140, Ettiyamman Koil Street,

Periyamullaivoyal Colony,

Vichoor, Chennai - 103

... Petitioners/Accused Nos.9 & 10

Vs.

The State represented by,

The Inspector of Police,

E-5, Sholavaram Police Station,

Thiruvallur District.

(Crime No. 2563 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No.2563 of 2020, on the file of the Inspector of Police, E-5, Sholavaram Police Station, Thiruvallur District.

For Petitioners : Mr.M.Sathyasai Eswari

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

Crl.O.P.No.11252 of 2020 for the offences punishable under Sections 147,
<https://ncservices.ecourts.gov.in/ncservices/>

148, 341, 342, 353, 294(b), 333, 326, 307 and 506(ii) of IPC in Crime No. 2563 of 2020 on the file of the respondent police, seek bail.

2 The case of the prosecution as per the defacto complainant viz., Raju, who is the Sub-Inspector of Police is that on information that there was gambling and selling of liquor happening in Sholavaram Police Station limits, the police party had gone near Arumandai quarters. At that time, the police party had seen the accused indulging in gambling and when the police party attempted to apprehend them, the accused have abused the police party in filthy language and assaulted them with Iron rod pipes, knives and wooden logs, resulting in the two policemen sustaining fracture.

3 The learned counsel appearing for the petitioners would submit that this is the second application for bail and earlier application was dismissed on 06.07.2020. She would submit that the petitioners were arrested on 15.06.2020 and that they are in custody for 44 days as on today (28.07.2020). She would submit that the petitioners are aged about 19 & 20 years respectively and there is no previous case pending against them. She would also submit the injured has been discharged from the hospital. Hence, she prays to grant anticipatory bail to the petitioners.

4 Per contra, the learned Government Advocate appearing for the respondent would submit that the petitioners along with other accused have gambling at the village, on information, the police party gone to the village and try to apprehend them and at that time the petitioners along with other accused have assaulted the police party, resulting in two police constables sustained fracture and they were admitted in the Stanley Medical College Hospital and thereafter, admitted to Miot Hospital and later they have been discharged. He would submit that as far as this petitioners are concerned, there is no previous case. However, he object the grant of bail to the petitioners.

5 Taking into consideration of the facts and submissions made by the learned counsel and considering the age of petitioners and there is no previous case pending against them and considering the fact that the petitioners are in jail from 15.06.2020, 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), 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, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate No.II, Ponneri, within 15 days from the date of lifting of the lock down or the commencement of the Court's normal functioning or which ever 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 report before the respondent police everyday 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

28/07/2020

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.II, PONNERI

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
E-5, SHOLAVARAM POLICE STATION,
THIRUVALLUR DISTRICT.

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

CRL OP.11252/2020

Date :28/07/2020

RD 24/08/2020