

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.07.2020

CORAM :

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

Crl.O.P.No.10982 of 2020

1. Jagadeesan
2. Prakash @ Keerai Prakash
3. Nandhakumar
4. Logeswaran
5. Pranavu @ Mani Petitioners

-Vs-

The State Represented by
Inspector of Police,
Velur Police Station,
Namakkal District.
(Crime No. 700 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.700 of 2020 on the file of the respondent police.

For Petitioners : Mr.M.R.Jothimanian

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

O R D E R

(The case has been heard through video conference)

The Petitioners, who were arrested on 01.07.2020, for the offences punishable under Sections 147,148, 294(b), 307 of IPC, in Crime No.700 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution as per the *de facto* complainant Raju is that on 29.06.2020, he had gone to the river to take bath along with his wife, at that time, the petitioners along with other accused eve teased his wife, when he questioned the same, the petitioners assaulted him with broken beer bottle, due to which, he sustained grievous injuries.

3.The learned counsel for the Petitioners would submit that the petitioners are innocent and that there was previous enmity between the petitioner and the *de facto* complainant, due to which, a false case has been foisted against the petitioners. He would submit that the alleged victim is stated to have been discharged from the hospital.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that when the *de facto* complainant gone along with his wife, the petitioners are said to have eve teased the wife of the *de facto* complainant, when the same was questioned by him, the petitioners have threatened the *de facto* complainant with dire consequences and attacked him with broken beer bottle. He would submit that the injured has been discharged from the hospital. He would further submit that as far as the petitioners 2 and 3 are concerned, they have sand theft cases registered against them.

5.Taking into consideration of the facts and circumstances of the case, 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 of the Petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate, Paramathy, Namakkal District, within 15 days from the date of lifting of the lockdown 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 Namakkal Town and report before the Namakkal Town police station every day at 10.30.am. for a period of three(3) weeks. In the meantime, the petitioners shall not enter into the jurisdictional police limits. Thereafter, the petitioners shall report before the respondent police daily at 10.30.am. for a period of one week and thereafter, as and when required for interrogation;

(e) the Petitioners shall not commit any offences of similar

(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/-
22/07/2020

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,
PARAMATHY, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VELUR POLICE STATION,
NAMAKKAL DISTRICT.

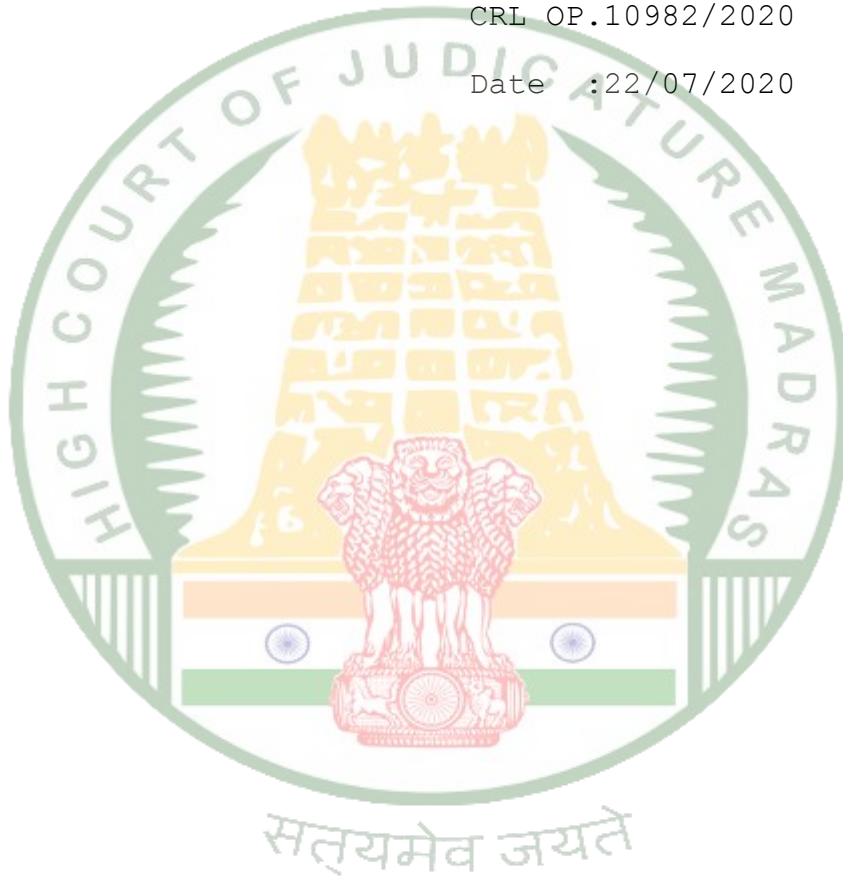
6 THE OFFICER INCHARGE,
NAMAKKAL TOWN POLICE STATION,
NAMAKKAL TOWN.

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

CRL OP.10982/2020

Date :22/07/2020

MK:20/08/2020



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