



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2020

CORAM

WEB COPY THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.11737 of 2020

1.S.Tamilarasan
2.S.Elavarasan

... Petitioners

-Vs.-

The State represented by,
The Inspector of Police,
E-5, Sholavaram Police Station,
Thiruvallur District.
(Crime No. 2563 of 2020)

... Respondent

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.T.V.G.Kartheeban

For Respondent : Mr.T.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 offences punishable under Sections 147, 148, 341, 342, 353, 333, 294(b), 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 de facto 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 the petitioners are innocents and that since they were standing along with the first accused, they have been implicated in this case. He would submit that even as per the FIR, the allegation against the petitioners is that they assaulted the de facto complainant with hands and that they have not used any weapon. He would submit that the petitioners were arrested on 14.06.2020 and that they are in custody for 53 days. He would submit that co-accused have been granted bail in Crl.OP.No.11252 of 2020 on 28.07.2020.

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. However, he objected the grant of bail to the petitioners.

5. Taking into consideration of the facts and submissions made by the learned counsel and considering the fact that the petitioners are in jail from 14.06.2020, 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., and 5.30.p.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/-
04/08/2020

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,
PUZHAL, CHENNAI.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CC to M/S. T.V.G.KARTHEEBAN Advocate on payment of necessary charges

CRL OP.11737/2020

Date :04/08/2020