

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.08.2020

CORAM :

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

Crl.O.P.Nos.11894 & 11900 of 2020

1.K.Raguraman
2.M.Janarthanam
3.M.Sanmugam

... Petitioners in Crl.O.P.11894/2020

1.M.Sivakumar
2.A.Premkumar
3.R.Arumugam
4.M.Mohan
5.N.Devaraj

... Petitioners in Crl.O.P.11900/2020

Vs.

State by:

Inspector of Police,
E-6, Thiruporur Police Station,
Old Mahabalipuram Road, Thiruporur-603 110.
Kancheepuram District,
Crime No.1627 of 2020)

... Respondent in both Crl.O.Ps.

COMMON PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.1627 of 2020 pending investigation on the file of the Inspector of Police, E-6, Thiruporur Police Station, Thiruporur-603 110. Kancheepuram District.

For Petitioners: Mr.K.R.Ramesh Kumar in both Crl.O.Ps.

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

C O M M O N O R D E R

(These cases have been heard through video conference)

The petitioners in Crl.O.P.No.11894 of 2020, who were arrested and remanded to judicial custody on 13.07.2020 and the petitioners in Crl.O.P.No.11900 of 2020, who were arrested and remanded to judicial custody on 15.07.2020 for the offences punishable under Section 147, 148, 324, 307 of IPC and 25(1A) of Arms Act, 1959, Crime No.1627 of 2020, seek bail.

2.The case of the prosecution as per the defacto complainant / Lakshmipathy is that on 11.07.2020, one Raguraman, Janarthanam and Shanmugam along with 50 hirelings had come to the village and attempted to lay a pathway, due to which there was quarrel between them and the villagers. When the defacto complainant had questioned

them, one among the unknown persons who had come along with the named accused attempted to inflict cut injury with the knife and the defacto complainant sustained cut injury on the left hip. The same person had further attempted to cut the defacto complainant and one Gurunathan who is known to the defacto complainant and the same person inflicted cut injuries on Gurunathan and one Manogaran who is standing nearby. Fearing danger to life the defacto complainant rushed to his house and had taken out the single barrel gun and fired towards the sky to scare the accused and on seeing that all the accused have run away from the scene of occurrence.

3.The learned counsel for the petitioners would submit that the petitioners in Crl.O.P.No.11894 of 2020 are the erstwhile owners of the property in the Sengadu Village and they had sold the property to one Kumar. There was no encumbrance in the property, however, the defacto complainant and his son who is a sitting M.L.A., created problem and damaged the access way to land. The petitioners along with the subsequent purchaser had gone to lay the access road and it was prevented by the defacto complainant who started attacking them and firing at them. Infact the defacto complainant is the aggressor and based on the complaint given by the owner of the land Thiru. Kumar, a case in Crime No.1628 of 2020 has been registered by the respondent police. He would further submit that the accused in the counter case viz. M.L.As father and his associates have been enlarged on bail and the co-accused in this case one Kumar is also enlarged on bail by this Court vide order dated 31.07.2020 in Crl.O.P.No.11188 of 2020. He would further submit that one Thangaraj, the driver of JCB has also been granted bail by this Court vide order dated 03.08.2020 in Crl.O.P.11601/2020. He would further submit that the allegations against the petitioners are totally false.

4.The learned Government Advocate (Crl. Side) would vehemently oppose to grant bail to the petitioners. He would further submit that the petitioners along with their henchmen numbering about 50 persons had gone to the place of occurrence and they created ruckus and the petitioners assaulted the father of the M.L.A. and their associates. The defacto complainant and his son, the M.L.A. used firearms. The specific overt act attributed by the petitioners is that they have attacked the defacto complainant Lakshmpathy and others.

5.Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels, and also considering the period of incarceration suffered by the petitioners, 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 condition to execute 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) Thereafter, the petitioners shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate No.1, Chengalpattu, within a period of two weeks after lifting of 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;

(e) the petitioners in Crl.O.P.No.11894 of 2020 shall stay at Madhuranthagam and report before the Madhuranthagam Police Station every day at 10.30 a.m and 5.30 p.m until further orders. The petitioners shall not enter the jurisdictional limits of the respondent police.

(f) the petitioners in Crl.O.P.No.11900 of 2020 shall report before the Thuraipakkam police station everyday at 10.30 a.m. and 5.30 p.m until further orders. The petitioners shall enter the Sengadu village until further orders.

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

(g) the petitioners shall not abscond either during investigation or trial;

(h) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(i) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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];

(j) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, these Criminal Original Petitions are ordered.

-sd/-

07/08/2020

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.I, CHENGALPATTU

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
E-6 THIRUPORUR POLICE STATION,
OLD MAHABALIPURAM ROAD,
THIRUPORUR-603 110,
KANCHEEPURAM DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, JCK NAGAR, PARANUR,
CHENGALPATTU 603 101

5 THE OFFICER INCHARGE,
MADHURANTHAGAM POLICE STATION,
MADHURANTHAGAM

6 THE OFFICER INCHARGE,
THURAIPAKKAM POLICE STATION,
THURAIPAKKAM.

CC to M/S.K.R.RAMESH KUMAR Advocate on payment of necessary
charges

Crl.O.P.Nos.11894 & 11900 of 2020

Date :07/08/2020

RVR 14/09/2020

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