

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.08.2020

CORAM :

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

Crl.O.P.No.12300 of 2020

1.Tamilselvan
2.Kannadasan

... Petitioners

Vs.

The State Rep. By
The Inspector of Police
Needamangalam Police Station
Tiruvarur District
(Crime No.1035 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with the Crime No.1035 of 2020, on the file of the Inspector of Police, Needamangalam Police Station, Needamangalam Taluk, Tiruvarur District.

For Petitioner : Mr.D.Bharathy

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 23.07.2020 for the offences punishable under Section 147, 148, 294(b), 452, 323, 324, 307 IPC and 3 (1) of Tamil Nadu Public Property (Damage and Loss) Act, in Crime No.1035 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to land dispute there was a wordy quarrel, during which time, the petitioners have assaulted the defacto complainant and caused injuries.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that it is a case in counter, the defacto complainant had also attacked the petitioners and the counter case has been registered in Crime No.1039 of 2020.

4.The learned Government Advocate (Crl. Side) would submit that the petitioners due to land dispute, had assaulted the defacto complainant and others, due to which, four persons have sustained

injuries. He would further submit that the injured have been discharged from the hospital. He would further submit that as far as the 1st petitioner is concerned, he has three previous cases to his credit and the 2nd petitioner has no previous cases.

5. Taking into consideration of the fact that the 1st petitioner has three previous cases, this court is not inclined to grant bail to the 1st petitioner, accordingly, his bail petition stands dismissed.

6. Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels that the 2nd petitioner has no previous cases, this Court is inclined to grant bail to the 2nd petitioner, subject to the following conditions:

(a) Accordingly, the 2nd petitioner is ordered to be released on bail on condition to execute his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the 2nd petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned District Munsif cum Judicial Magistrate, Needamangalam, **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 Aadhaar card or Bank pass Book to ensure their identity;

(d) **the 2nd petitioner shall report before the Muthupettai Police Station everyday at 10.30 a.m and 5.30 p.m. until further orders.**

(e) the 2nd petitioner shall not commit any offences of similar nature;

(f) the 2nd petitioner shall not abscond either during investigation or trial;

(g) the 2nd petitioner 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 2nd petitioner in accordance with law as if the conditions have been imposed and the 2nd petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by

SCW 5560];

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

6. In the result, the petition stands dismissed as far as the 1st petitioner is concerned and the Criminal Original Petition stands ordered as far as the 2nd petitioner is concerned.

-sd/-
14/08/2020

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
NEEDAMANGALAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVARUR [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NEEDAMANGALAM POLICE STATION,
TIRUVARUR DISTRICT.

5 THE OFFICER INCHARGE,
SUB-JAIL, MANNARGUDI.

6 THE OFFICER INCHARGE,
MUTHUPETTAI POLICE STATION.

+1 CC to M/S D.BHARATHY Advocate on payment of necessary charges SR.No 5940

CRL OP.12300/2020

Date :14/08/2020

MN-20/08/2020