

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.08.2020

CORAM :

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

CrI.O.P.No.12445 of 2020

1.Balaji
2.Hari Krishnan
3.Prakash
4.Ashok
5.Madhan Kumar
6.Vijay
7.Sasi Kumar @ Gujili
8.Logeswaran
9.Sridhar

.... petitioners

Vs.

State rep. by
Inspector of Police, (L&O)
E-3, Teynampet Police Station
Teynampet, Chennai
(Crime No.763 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail pending investigation in E-3, Teynampet Police Station in Crime No.763 of 2020.

For Petitioners : Mr.P.G.Santhosh Kumar

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (CrI. 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 05.08.2020 for the offences punishable under Section 147, 148, 341, 294(b), 323, 397, 506(ii) IPC. in Crime No.763 of 2020, seek bail.

2.The case of the prosecution is that on 04.08.2020 at about 7.30 p.m. when the defacto complainant and his father were sitting in front of their house, the petitioners along with other accused armed with wooden log came to the spot and one Dinesh identified the defacto complainant. They pulled the defacto complainant from his house. The 1st and 2nd petitioner have caught hold of the defacto complainant's leg and the other accused stamped the defacto complainant's chest and threatened him and also had taken away a sum of Rs.500/- from his pocket.

3.The learned counsel appearing for the petitioners would submit that the defacto complainant and the petitioners are belonging to the same area and that due to quarrel between them, a false complainant has been given against them. He would further submit that the petitioners are prepared to abide by any stringent conditions that to be imposed by this Court.

4.The learned Government Advocate (Crl. Side) would submit that the petitioners along with other accused have assaulted the defacto complainant and his father with wooden log and have taken away a sum of Rs.500/- from him. He would further submit that A1 & A2 are still absconding. As far as these petitioners are concerned, there are no previous cases against them.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels, and also considering the period of incarceration, 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 that each of the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with **two sureties each (out of which one blood surety)** to the satisfaction of the learned XVIII Metropolitan Magistrate, Saidapet, Chennai, thereafter on their release from prison;

(b) the petitioners shall report before the respondent police everyday at 10:30 a.m and 5.30 p.m. until further orders.

(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 not commit any offences of similar nature;

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

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

(g) 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];

(h) 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/-
19/08/2020

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 METROPOLITAN MAGISTRATE NO.XVIII,
SAIDAPET, CHENNAI.

2 THE JAILER,
SUB-JAIL, PONNERI,
THIRUVALLUR.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE (L & O),
E-3, TEYNAMPET POLICE STATION,
TEYNAMPET, CHENNAI.

CC to M/S. P.G.SANTHOSH KUMAR Advocate on payment of
necessary charges

CRL OP.12445/2020

Date :19/08/2020

MK:07/09/2020

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