

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.08.2020

CORAM :

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

Cr1.O.P.No.12518 of 2020

1.Viji @ Vijayan
2.Aravindh @ Aravindhan
3.Balaji @ Harikrishnan ... petitioners

Vs.

The state of Tamilnadu rep. By,
Inspector of Police,
Vedaranyam Police Station,
Nagapattinam District.
(Crime No.990 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.990 of 2020 pending before the respondent police for the offence 147, 148, 294(b), 324, 506(ii), 307 IPC.

For Petitioners : Mr.S.N.Subramani

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 12.07.2020 for the offences punishable under Section 147, 148, 294(b), 324, 506(ii), 307 IPC in Crime No.990 of 2020, seek bail.

2.The case of the prosecution is that when the defacto complainant questioned the petitioners about the immoral activities of the petitioners in consuming alcohol near temple, the petitioners along with other accused joined together and assaulted the defacto complainant with knife and wooden log.

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 due to civil dispute between the defacto complainant and the petitioners, a false complaint has been given against him. He would further submit that the injured has been discharged. He would further submit that the petitioners were arrested on 12.07.2020 and they are in judicial custody for more than 35 days.

4.The learned Government Advocate (Crl. Side) would submit that when the defacto complainant questioned the petitioners about consuming alcohol near the temple, the petitioners along with other accused persons have assaulted the defacto complainant with knife and wooden log. He would further submit that the injured has been discharged.

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 to execute 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) Thereafter, the petitioners shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, before the learned Judicial Magistrate, Vedaraniyam, **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;

(d) the petitioners on their release from prison, shall report before the respondent police everyday at 10:30 a.m 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 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];

(j) 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/-
18/08/2020

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,
VEDARANIYAM.

2 THE JAILER,
SUB-JAIL, NAGAPATTINAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VEDARANYAM POLICE STATION,
NAGAPATTINAM DISTRICT

CC to M/S. S.N.SUBRAMANI Advocate on payment of necessary charges

CRL OP.12518/2020

Date :18/08/2020

MK:03/09/2020

WEB COPY