

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.08.2020

CORAM :

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

Crl.O.P.No.12606 of 2020

1.UDHAYANITHI

2.VINOTH

... petitioners

Vs.

State By

Inspector of Police

Mohanur Police Station

Namakkal District

(Crime No.454 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.454 of 2020 on the file of the Inspector of Police, Mohanur Police Station, Namakkal District.

For Petitioners : Mr.T.Gopinathan

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (Crl. 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 07.07.2020 for the offences punishable under Section 147, 148, 294(b), 323, 324 and 307 IPC. in Crime No.454 of 2020, seek bail.

2.The case of the prosecution is that on 06.07.2020 at about 7.00 p.m. the defacto complainant along with his friends had gone to attend nature's call, at that time, they saw the petitioners consuming alcohol near temple, when the defacto complainant and his friends enquired about their whereabouts, there was a quarrel, during which, the petitioners have abused them in a filthy language and A1 attacked him with knife, A2 to A4 attacked him with hands and legs and A5 & A6 attacked him with sticks. The petitioners herein are A3 & A5.

3.The learned counsel appearing for the petitioners would submit that even as per the F.I.R. the petitioners have attacked the defacto complainant only with hands and they have not used any weapons. He would further submit that their bail application was dismissed earlier since the victim was taking treatment. He

would further submit that the petitioners are in custody from 07.07.2020.

4.The learned Government Advocate (Crl. Side) would submit that since the defacto complainant and his friends questioned the petitioners about the illegal activities, the petitioners along with other accused have assaulted the defacto complainant with knife and wooden log. He would further submit that the injured has been discharged and there is no previous cases against these petitioners.

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, Namakkal, **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 stay at Thiruchengode and report before the Thichengode Town Police Station everyday 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 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/-
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 JUDICIAL MAGISTRATE,
NAMAKKAL.

2 THE JAILER,
SUB-JAIL, NAMAKKAL.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
MOHANUR POLICE STATION,
NAMAKKAL DISTRICT.

5 THE OFFICER INCHARGE,
THICHENGODE TOWN POLICE STATION,
THIRUCHENGODE

CC to M/S.T.GOPINATHAN Advocate on payment of necessary charges

CRL OP.12606/2020

Date :19/08/2020