

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2020

CORAM :

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

Crl.O.P.No.12712 of 2020

Karunakaran, S/o.Murugaiyadevar

... Petitioner

Vs.

The State Rep. By
Inspector of Police,
Kuniyamuthur Police Station
Coimbatore District
(Crime No.1166 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1166 of 2020 on the file of the Inspector of Police, Kuniyamuthur Police Station, Coimbatore District .

For Petitioner : Mr.M.N.Balakrishnan

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 04.08.2020 for the offences punishable under Sections 147, 448, 342, 294(b) and 506(ii) IPC and Section 3 of TNPPDL Act 1992 in Crime No.1166 of 2020, seeks bail.

2. The case of the defacto complainant is that there was a civil dispute between the defacto complainant and A1 to A3 and that the defacto complainant had succeeded in all the Courts and the Supreme Court confirmed the Order in their favour, while so, on 11.07.2020, the accused had trespassed into the property of the defacto complainant and damaged a superstructure built in the property valued of Rs.20 Lakhs.

3. The learned counsel appearing for the petitioner would submit that the petitioner is a JCB driver and on the instructions of the owner of the JCB, he had gone there and demolished the building on the belief that the other accused are the owners and that he has nothing to do with allegations and he had not intentionally violated the Order of the Court and that the petitioner is in custody from 04.08.2020.

4. The learned Government Advocate (Crl. Side) would submit that the petitioner along with the other accused had in violation of the Court order trespassed into the property of the defacto complainant and demolished a superstructure valued of Rs.20 lakhs.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) and perused the FIR.

6. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels and the fact that the petitioner is only a driver of JCB and also considering the period of incarceration suffered by the petitioner from 04.08.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the 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) Thereafter, the petitioner shall within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, and execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, out of which, one surety should be a blood surety, before the learned Judicial Magistrate VII, Coimbatore, 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 petitioner on his release from prison, shall report before the respondent police everyday at 10.30 a.m. until further orders.

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

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

(g) the 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 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];

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

7. With the above directions, this Criminal Original Petition is ordered.

-sd/-

21/08/2020

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.VII,COIMBATORE

2 THE SUPERINTENDENT,
CENTRAL PRISON,COIM,BATORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KUNIYAMUTHUR POLICE STATION,
COIMBATORE DISTRICT.

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

WEB COPY

CRL OP.12712/2020

Date :21/08/2020

RD 03/09/2020