

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.08.2020

CORAM :

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

Crl.O.P.No.12911 of 2020

1.Dhilip Kumar
2.Ranjith Kumar

... Petitioners

Vs.

The State, represented by
Inspector of Police
Ammamet Police Station
Salem 636 007
(Crime No.873 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail concerned in Crime No.873 of 2020 on the file of the Inspector of Police, Ammapet Police Station, Salem District.

For Petitioners : Mr.D.Manuel

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 03.08.2020 for the offences punishable under Section 294(b), 323 and 307 IPC, in Crime No.873 of 2020, seek bail.

2. The case of the prosecution as per the defacto complainant one Vimal Raj is that due to prior enmity with regard to parking of vehicles in front of the shop, the petitioners along with other accused assaulted the defacto complainant with knife and fisted him with hands, due to which, the defacto complainant sustained injuries.

3. The learned counsel appearing for the petitioners would submit that the petitioners are arraigned as A3 and A4 and they have been falsely implicated in this case since they happened to be the friend of A1 & A2. He would further submit that the defacto complainant is the aggressor, on the compliant given by the petitioner, a case in Crime No.872 of 2020 has been registered against the defacto complainant and his friend. He would further submit that the petitioner was arrested on

4. The learned Government Advocate (Crl. Side) would submit that the petitioners are the associates of A1 who is a history sheeter. They have threatened the defacto complainant with regard to parking of vehicles in front of the shop. The petitioners along with other accused have assaulted the defacto complainant with knife and hands. He would further submit that no one was injured. He would further submit that it is a case and a case in counter.

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) the petitioners 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**, before the Judicial Magistrate Court No.V, Salem, 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 daily at 10:30 a.m and 5.30 p.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/-
25/08/2020

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
COURT NO.V, SALEM

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
AMMAPET POLICE STATION,
SALEM-636 007

+1 CC to M/S.D.MANUEL Advocate on payment of necessary charges SR NO.6036

CRL OP.12911/2020

Date :25/08/2020