

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.09.2020

CORAM :

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

Crl.O.P.No.13365 of 2020

Tamilselvan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Needamangalam Police Station,
Tiruvavur District.
Crime No.1035 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with case in Crime No.1035 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. D.Bharathy

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 23.07.2020 for the offences punishable under Section 147, 148, 294(b), 452, 323, 324, 307 IPC and 3 (1) of Tamil Nadu Public Property (Damage and Loss) Act, in Crime No.1035 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to land dispute there was a wordy quarrel, during which time, the petitioner has assaulted the defacto complainant and caused injuries.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that it is a case in counter, the defacto complainant had also attacked the petitioner and the counter case has been registered in Crime No.1039 of 2020. He would further submit that in respect of the three previous cases, namely, C.C.No.18 of 2019 was compromised between the petitioner and the defacto complainant and in C.C.No.681 of 2020, the Judicial Magistrate-II, refused to accept the remand of the petitioner and PRC.No.9 of 2018 is only at the stage of summon. He would also submit that the petitioner is in custody from 23.07.2020.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner due to land dispute, had assaulted the defacto complainant and others, due to which, four persons have sustained injuries. He would further submit that the injured have been discharged from the hospital. He would further submit that the petitioner has three previous cases to his credit and opposed for grant of bail.

5. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsel and also considering the period of incarceration suffered by the petitioner from 23.07.2020, 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) 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), before the learned District Munsif cum Judicial Magistrate, Needamangalam, 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 stay at Chidambaram and report before the Chidambaram Town Police Station everyday at 10.30 a.m. and 5.30 p.m. until further orders. The petitioner shall not enter into the jurisdictional limits of the respondent police.

(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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

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

-sd/-

01/09/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, NEEDAMANGALAM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
NEEDAMANGALAM POLICE STATION,
TIRUVARUR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, MANNARGUDI

5 THE OFFICER INCHARGE,
CHIDAMBARAM TOWN POLICE STATION,
CHIDAMBARAM.

CC to M/S. D.BHARATHY Advocate on payment of necessary charges

WEB COPY

CRL OP.13365/2020

Date :01/09/2020

RVR 10/09/2020