

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.08.2020

CORAM :

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

Crl.O.P.Nos.13172, 13174 & 13176 of 2020

Shankar ... Petitioner in Crl.O.P.13172/2020

Ramadosh ... Petitioner in Crl.O.P.13174/2020

R.Saritha ... Petitioner in Crl.O.P.13176/2020

Vs.

State represented by
Sub Inspector of Police
Mangalam Police Station
Tiruvannamalai District
(Crime No.1960 of 2020)

.... Respondent in all Crl.O.Ps.

COMMON PRAYER: Criminal Original Petitions are filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.1960 of 2020 on the file of the respondent police.

For Petitioner : Mr.B.S.Manikandan in
Crl.O.P.13172 &13174/ 2020

Mr.S.B.Viswanatha in
Crl.O.P.13176 / 2020

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

C O M M O N O R D E R

(These cases have been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 04.08.2020 for the offence punishable under Sections 294(b),323,324 & 307 IPC,in Crime No.1960 of 2020, seek bail.

2. The case of the prosecution as per the defacto complainant Elumalai is that due to previous enmity with regard to land dispute, there was a quarrel and that on 04.08.2020, the petitioners have abused the defacto complainant and assaulted him with machete and also punched his minor grand daughter on the nose and also assaulted his son with wooden stick.

3.The learned counsel appearing for the petitioners would submit that due to existing enmity between the petitioners and the defacto complainant, a false complaint has been given against them. They would further submit that the petitioners were arrested on 04.08.2020. They would further submit that they are prepared to abide by any stringent conditions that are to be imposed on them by this Court.

4.Mr.Jawahar, the learned counsel for the intervenor would submit that during the quarrel, the petitioners not only assaulted the defacto complainant and his son but they have also attacked the minor grand daughter of the defacto complainant and punched her on the nose, resulting in her sustaining injuries. Hence, he vehemently oppose for the grant of bail to the petitioners.

5.The learned Government Advocate (Criminal Side) would submit that due to previous enmity with regard to land dispute, the petitioners have assaulted the defacto complainant with machete and attacked his son with wooden stick and also punched the minor grand daughter of the defacto complainant. He would further submit that the injured have been discharged from the hospital.

6.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels, considering the fact that the injured have been discharged from the hospital and also the period of incarceration suffered by the petitioners from 04.08.2020, this Court is inclined to grant bail to the petitioner 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 **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 learned Judicial Magistrate No.II, Tiruvannamalai District, 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 Chengam and report before the Chengam Police Station daily at 10.30 a.m. until further orders. The petitioners shall not enter the jurisdictional limits of the respondent police.

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

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

(g) the petitioners 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.

7. With the above directions, these Criminal Original Petitions are ordered.

-sd/-

28/08/2020

सत्यमेव जयते

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.II,
TIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI DISTRICT [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE

4 THE SUPERINTENDENT,
CENTRAL WOMEN PRISON, VELLORE

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE,
CHENGAM POLICE STATION, CHENGAM

7 THE SUB INSPECTOR OF POLICE,
MANGALAM POLICE STATION,
TIRUVANNAMALAI
DISTRICT.

+2 CC to M/S. B.S.MANIKANDAN Advocate on payment of
necessary charges SR.NO'S. 6052, 6051

+1 CC to M/S. S.B.VISWANATHA Advocate on payment of
necessary charges SR.NO. 6081

CRL OP.13172, 13174 & 13176 of 2020

Date :28/08/2020

GKS:02/09/2020

सत्यमेव जयते

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