

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.08.2020

CORAM :

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

CrI.O.P.No.13145 of 2020

1.Pazhanivel
2.Balajayakumar
3.Ayyappan
4.Marimuthu

... Petitioners

Vs.

The Inspector of Police
Muthupettai Police Station
Tiruvarur District
(Crime No.2234 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.2234 of 2020 on the file of the respondent police.

For Petitioners: Mr.N.Palanivel

For Respondent : Mr.T.Shunmugarajeswaran
Government Advocate (CrI. 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 09.08.2020 for the offences punishable under Section 147, 148, 294(b), 324, 506(2) and 307 IPC and Section 4 of Women Harassment Act, in Crime No.2234 of 2020, seek bail.

2.The case of the prosecution as per the defacto complainant one Hariharan is that there was a dispute with regard to property. A3, the father of the defacto complainant had fight with the mother of the defacto complainant and on 09.08.2020, A3 along with other accused had assaulted the defacto complainant and his mother with wooden logs, due to which, the defacto complainant sustained injury to his middle finger and his mother sustained injuries on her head.

3.The learned counsel appearing for the petitioners would submit that since there was a land dispute between A3 and his wife, this alleged case has been falsely foisted against the petitioners. He would further submit that the injured have been discharged from the hospital.

4.The learned Government Advocate (Crl. Side) would submit that the petitioners along with A3, the father of the defacto complainant assaulted the defacto complainant and his mother, resulting in them sustaining injuries. He would further submit that the injured has been discharged from the hospital. He would further submit that there is no previous case pending against these petitioners.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels, and also taking into consideration of the period of incarceration suffered by the petitioners, 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 learned Judicial Magistrate, Thiruthuraipoondi, 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 Thanjavur and report before the Thanjavur Town Police Station everyday at 10:30 a.m until further orders. It is made clear that the petitioners shall not visit 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 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.

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

-sd/-

28/08/2020

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,
THIRUTHURAIPOONDI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

4 THE OFFICER INCHARGE,
SUB JAIL, NANNILAM

5 THE OFFICER INCHARGE,
THANJAVUR TOWN POLICE STATION
THANJAVUR

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

WEB COPY

CRL OP.13145/2020

Date :28/08/2020

RVR 09/09/2020