

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.13369 of 2020

1. Poovarasan
2. Jainath @ Alex

... Petitioners

Vs.

The State Rep. by
The inspector of Police,
Paradarami Police Station,
Vellore District,
Crime No.460 of 2020.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in connection with case in Crime No.460 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Mr. G.Vinodhkumar

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 was arrested and remanded to judicial custody on 09.08.2020 for the offences punishable under Sections 294(b), 342, 324 and 307 IPC in Crime No.460 of 2020, seeks bail.

2. The case of the prosecution as per the defacto complainant is that the first petitioner who belongs to a different community developed relationship with his sister in law and that it was warned by the defacto complainant due to that there was enmity. Whiles on 07.08.2020 at 8.30 p.m. the 1st petitioner enraged by the warning along with the 2nd petitioner abused the defacto complainant in filthy language and assaulted him with knife.

3. The learned counsel appearing for the petitioners would submit that due to previous enmity a false complaint has been given against the petitioners. Since the first petitioner was having relationship with the sister in law of the defacto complainant, he was antagonised and thereby he has given a false complaint. He would further submit that the alleged victim has been discharged from the hospital.

4.The learned Government Advocate (Crl. Side) would submit that the first petitioner had developed relationship with the sister in law of the defacto complainant and the defacto complainant had warned the first petitioner to sever the relationship and enraged by the warning the first petitioner along with the other accused committed the offence, A2 had caught hold the defacto complainant. He further submitted that the victim has been discharged from hospital. However, he opposed for grant of bail to the petitioners.

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 petitioners from 09.08.2020, 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 his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioners has 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), before the learned Judicial Magistrate, Gudiyatham, 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 Thiruvannamalai and report before the Thiruvannamalai Town Police Station everyday at 10.30 a.m. and 5.30 p.m. until further orders. The petitioners shall not enter into 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

(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 JUDICIAL MAGISTRATE,
GUDIYATHAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 INSPECTOR OF POLICE,
PARADARAMI POLICE STATION,
VELLORE DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, GUDIYATHAM

5 THE OFFICER INCHARGE,
THIRUVANNAMALAI TOWN POLICE STATION,
THIRUVANNAMALAI

CC to M/S.G.VINODHKUMAR Advocate on payment of necessary charges

CRL OP.13369/2020

Date : 01/09/2020

RVR 10/09/2020

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