

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 13628 of 2020

1.Sathish ... Petitioners/Accused Nos. 1, 3 & 4
2.Venkatesh
3.Balasubramaniyan

Vs.

The State represented by, ... Respondent/Complainant
The Inspector of Police,
Muthupettai Police Station,
Thiruvarur District.
Crime No.2267 of 2020

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 2267 of 2020, on the file of the respondent police.

For Petitioner : Mr.Swamisubramanian

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. Side)

सत्यमेव जयते
ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 16.08.2020 for the offences punishable under Sections 294 (b), 342, 324, 307 and 506(ii) of IPC in Crime No.2267 of 2020 on the file of the respondent police, seek bail.

2 The case of the prosecution as per the defacto complainant viz., Marimuthu is that when he had come along in the main road to his house at that time A1 had parked the tractor in the middle of the road, when the defacto complainant had questioned him, the accused along with yet another accused have quarrelled with him and assaulted him with hands and also strangulated him. Hence, the complaint.

3 The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would submit that the defacto complainant is the person who had assaulted the first petitioner in respect of a case in Crime No. 2268 of 2020, which has been registered under the provision of SC/ST Prevention of Atrocities Act and in the counter case all the accused have been arrested. He would submit that the petitioner are the victims and even in the FIR it is clear that no weapon has been used in this case, it is only a wordy quarrel. Hence, he prays to grant bail to the petitioners.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the first petitioner had parked the vehicle in the middle of the road and when it was questioned by the defacto complainant, the petitioners have assaulted him and also strangulated him. He would submit that on the complaint given by the first petitioner a case in Crime No. 2268 of 2020 has been registered against the defacto complainant.

5 Taking into consideration the facts and submissions made by the learned counsel and consideration that fact that there is a case in counter and the petitioners are in judicial custody from 16.08.2020, 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 executing 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 execute two sureties, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate, Thiruthuraipoondi, within 15 days from the date of lifting of the lock down or the commencement of the Court's normal functioning or which ever is earlier, 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 shall report before respondent Police everyday at 10.30 a.m., for a period of two weeks and thereafter, on every Monday at 10.30 a.m., until further orders.

(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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

03/09/2020

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,
THIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MUTHUPETTAI POLICE STATION,
THIRUVARUR DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, NANANILAM.

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

CRL OP.13628/2020

Date :03/09/2020

TA-09/09/2020