

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.09.2020

CORAM :

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

Crl.O.P.No.14453 of 2020

1.Vignesh
2.Sabarish
3.Arivazhagan
4.Dinesh

... Petitioners

Vs.

The State By
The Inspector of Police
Arivalam Police Station,
Tiruvarur District.
Crime No.1149 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 the case in Crime No.1149 of 2020 on the file of the respondent police.

For Petitioners : Mr.S.Mayilnathan

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 were arrested and remanded to judicial custody on 08.09.2020 for the offence punishable under **Sections 147, 148, 294(b), 355, 323, 324 and 307 of the Indian Penal Code, 1860, in Crime No.1149 of 2020**, on the file of the respondent police, seek bail.

2. The case of the prosecution as per the defacto complainant one Raghavan is that due to previous enmity, the petitioners have waylaid, abused and assaulted the defacto complainant and his friends with iron pipe and wooden log, due to which he and his friends sustained injuries.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false case has been registered against them due to political animosity. He would further submit that it is a case and case in counter and the counter case has been registered against the defacto complainant in Crime No.1150 of 2020. He would further submit

that the injured has been discharged from the hospital and the petitioners have no previous cases.

4. The learned Government Advocate (Criminal Side) would submit that due to political animosity, the petitioners have assaulted the defacto complainant and his friends. He would also submit that it is a case and case in counter and the counter case has been registered in Crime No.1150 of 2020 and the petitioners have no previous cases.

5. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and considering the period of incarceration of 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) before the Superintendent of the concerned prison, in which the petitioners have been confined;

(b) Thereafter, the petitioners shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate, Thiruthuraipoondi, within a period of two weeks from the date of commencement of the Court's normal functioning**, 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 Trichy and report before the Trichy Cantonment Police Station, daily at 10.30 a.m. for a period of two weeks and thereafter report before the respondent police everyday 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
16/09/2020

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
TIRUVARUR DISTRICT. [FOR INFORMATION]

3 THE JAILER, SUB JAIL, NANNILAM

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ALIVALAM POLICE STATION, TIRUVARUR DISTRICT.

6 THE OFFICER INCHARGE,
TRICHY CANTONMENT POLICE STATION, TRICHY

+1 CC to M/S S.MAYILNATHAN Advocate on payment of necessary charges SR.NO.6294

CRL OP.14453/2020

Date :16/09/2020

GKS:18/09/2020