

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 14628 of 2020

Muruganantham

... Petitioner/7th Accused

Vs.

State rep. by

... Respondent/Complainant

The Inspector of Police,
Alivalam Police Station,
Tiruvarur District.
(Crime No.1150 of 2020)

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.1150 of 2020, on the file of the respondent police.

For Petitioner : Mr.N.Palanivel

For Respondent : Mrs.S.Thankira

Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 08.09.2020 for the offences punishable under Sections 147, 148, 294(b), 323, 324, 506(ii) and 307 of IPC, in Crime No.1150 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant viz., Ragavan, is that due to previous enmity, the petitioner along with six other accused have joined together and assaulted defacto complainant and his relatives with iron rod, due to which, the defacto complainant and his relatives have sustained injuries. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case due to previous enmity between the family members. He would submit that based on the complaint given by the fourth accused in this case one Mathanraj, a case has been registered in Crime No.1149 of 2020 against the defacto complainant

and the relatives of the persons, who assaulted the petitioner and his family members, for the offences under Sections 147, 148, 294 (b), 355, 323, 324 and 307 of IPC and that the first attack was made by the defacto complainant and his family members. He would submit that some of the accused in the counter case have been enlarged on anticipatory bail. He would further submit that the petitioner is in custody from 08.09.2020 and that the injured has been discharged from the hospital. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner along with his family members have assaulted the defacto complainant and his family members with iron rods, due to which, the defacto complainant and his relatives sustained injuries. She would submit that one Panner Selvam, the brother of the defacto complainant has sustained serious injuries and he has admitted in the hospital and underwent surgery and has been discharged from the hospital on 28.09.2020. She would submit that if the petitioner is granted bail, there is every possibility of retaliation. Hence, she opposed to grant bail to the petitioner.

5 At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner is ready to abide by any stringent condition that may be imposed on him by this Court and that he has also suffered injuries in the incident. Hence, he prays to grant bail to the petitioner.

6 Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering the period of incarceration by the petitioner from 08.09.2020, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute a 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, Tiruthuraipoondi and on further conditions that:

(b) 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;

(c) the petitioner shall stay at Sivagangai and report before the Sivagangai Police Station every day at 10.30 a.m., until further orders and the petitioner shall not enter into the jurisdictional limits of the respondent police.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

29/09/2020

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,
TIRUTHURAIPOONDI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE JAILER,
SUB JAIL, NANNILAM.

6 THE OFFICER INCHARGE,
SIVAGANGAI POLICE STATION,
SIVAGANGAI.

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

CRL OP.14628/2020

Date :29/09/2020