

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.10.2020

CORAM :

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

CRL.O.P.No.15123 of 2020

1.MICHEAL
2.AKASH @ DHEENU
3.DINESH @ APPU

... Petitioners

Vs.

State, represented by
The Inspector of Police,
F-5, Pathirivedu Police Station,
Thiruvallur District.
(Crime No.1023/2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.1023 of 2020 on the file of the Inspector of Police, F-5, Pathirivedu Police Station, Thiruvallur District.

For Petitioners : Mr.P.Chandra Sekar

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 11.08.2020 for the offences punishable under Section 306 of IPC, in Crime No.1023 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant one Venkatesan is that on the date of occurrence viz. 06.08.2020, the petitioners had assaulted him and his family members and the defacto complainant had also given a complaint against the petitioners to the police. While so, again on 09.08.2020, the petitioners have threatened him and fearing the assault by the petitioners, the mother of the defacto complainant one Roja had gone in front of the petitioners' house and saying that the accused are repeatedly assaulting her family members and that they should not assault them any more, committed suicide by self immolation.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that there was previous enmity between the family members of the defacto complainant and the family members of the petitioners and thereby a false

complaint has been given against them. He would further submit that the petitioners were arrested on 11.08.2020 and they are in custody for the past 60 days and the major part of the investigation is over.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that on 06.08.2020, the petitioners along with other accused has assaulted the defacto complainant and his family members and also caused damage to their car. The petitioners have also repeatedly assaulted the defacto complainant and his family members. The mother of the defacto complainant was unable to bear the torture of the petitioners, had committed suicide on 09.08.2020. He would further submit that the petitioners are notorious elements.

5.At this juncture, the learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case due to previous enmity and that the petitioners are even prepared to abide by any stringent conditions that may be imposed on them.

6.Heard the learned counsels on either side. Perused the other documents placed on record.

7.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration 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 a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of the District Munsif Court Cum Judicial Magistrate Court, Gumudipoondi, 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;

(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 petitioners on their release from prison shall stay at Villupuram and report before the Villupuram 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.

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

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

(f) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(g) 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];

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

12/10/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE COURT, GUMUDIPOONDI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
F-5, PATHIRIVEDU POLICE STATION, THIRUVALLUR DISTRICT.

5 THE OFFICER INCHARGE,
SUB JAIL, THIRUTHANI

6 THE OFFICER INCHARGE,
VILLUPURAM TOWN POLICE STATION, VILLUPURAM.

CC to M/S. P.CHANDRA SEKAR Advocate on payment of necessary charges Sr.6835

CRL OP.15123/2020

Date :12/10/2020

RVR 13/10/2020

<https://hcservices.ecourts.gov.in/hcservices/>