

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.15101 of 2020

1.Jaishankar @ Shankar @ Thadi Shankar

2.Vignesh @ Vicky

3.Nagaraj @ Babu

... Petitioners/Accused 1 to 3

Vs.

The State Represented by,

The Inspector of Police,

Minjur Police Station,

Tiruvallur District.

... Respondent /Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C., to enlarge the petitioners on bail pending investigation in Crime No. 1902 of 2020, on the file of the respondent.

For Petitioners: Mr.R.Vivekananthan

For Respondent : Mrs.S.Thankira

Government Advocate (Cr1.Side)

ORDER

(This case has been heard through video conference)

The petitioners, who were arrested and remanded to the Judicial Custody on 21.08.2020 for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 307 of IPC altered into Sections 147, 148, 294(b), 323, 324 and 302 of IPC, in Crime No.1902 of 2020, on the file of the respondent police seek bail.

2 The case of the prosecution as per the defacto complainant Karthik, who is the friend of the deceased Sukumar is that on 07.06.2020, he along with his friend was travelling in an auto rickshaw, when the accused persons attempted to over take them, there was a quarrel, during which, the accused assaulted the defacto complainant and his friend with iron rods, resulting in the victim sustaining serious injuries. The deceased was taken to the hospital and after 5 days he passed away not responding to the treatment.

3 The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and the occurrence had happened due to a road rage and that the attack was due to grave and sudden provocation. He would further submit that originally the case was registered under Sections 147, 148, 294 (b), 323, 324 and 307 of IPC later altered into Sections 147, 148, 294(b), 323, 324 and 302 of IPC. He would submit that the similarly placed co-accused have been granted bail by this Court in Crl.O.P.No. 10868 of 2020 on 22.07.2020. Hence, he prays to grant bail to the petitioners.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that there was road rage due to which, the petitioners along with other accused have started quarrel with the defacto complainant and they have also assaulted the defacto complainant and his friend with iron rod, due to which, the defacto complainant's friend/victim has sustained serious injuries and he was admitted in the hospital and without responding to the treatment, he died after four days. She would submit that the investigation is pending and that as far as the first petitioner is concerned there are two previous cases pending against him. Hence, she opposed to grant bail to the petitioners.

5 At this juncture, the learned counsel appearing for the petitioners would submit that the petitioners are prepared to abide by any stringent condition imposed on them by this Court. Hence, he prays to grant bail to the petitioners.

6 Taking into consideration the facts and submissions made by the learned counsels and the petitioners are in judicial custody from 21.08.2020, 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 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 No.II, Ponneri, Tiruvallur District 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 petitioners shall report before respondent police everyday at 10.30 a.m. and 05.30 p.m., until further orders.

(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;

(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.

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

-sd/-
25/09/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

सतयमेव जयते
Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

WEB COPY

TO

1 THE JUDICIAL MAGISTRATE NO.II,
PONNERI, TIRUVALLUR DISTRICT

2 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MINJUR POLICE STATION,
TIRUVALLUR DISTRICT

+2 CC to M/S. R.VIVEKANANTHAN Advocate on payment of
necessary charges SR.NO.6440

CRL OP.15101/2020

Date :25/09/2020

GKS:28/09/2020



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