

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.15628 of 2020

A.Kalaiyarasan

... Petitioner

Vs.

State rep. by  
The Inspector of Police  
Harur Police Station,  
Dharmapuri District  
(Crime No.1420 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.1420 of 2020, on the file of the respondent police.

For Petitioner : Mr.J.Pradeep

For Respondent : Mr.T.Shunmugarajeswaran  
Government Advocate (CrI. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 28.08.2020 for the offence punishable under Sections 506(1) of IPC read with 3(1) of Prevention of Damage to Public Property Act @ 294(b), 427, 506(ii) of IPC in Crime No.1420 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Prabu is that on 28.08.2020, the petitioner under the influence of Alcohol, proclaimed that he would kill one Iyyappan and had quarrelled with the defacto complainant. Further, the petitioner abused and intimidated the defacto complainant and also caused damages to his shop. Originally the case was registered for offence under Section 506(1) of IPC read with 3(1) of Prevention of Damage to Public Property Act and later altered into Sections 294(b), 427, 506(ii) of IPC.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case due to communal enmity. He would further submit that the petitioner has been suffering incarceration from 28.08.2020. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner in inebriated condition went to the defacto complainant's shop, abused and intimidated him and caused damages to his shop. He would further submit that due to the act of the petitioner, there is likelihood of communal riot between two groups.

5. Taking into consideration the facts and submissions made by the learned counsels and considering the period of incarceration undergone by the petitioner, 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, Harur, Dharmapuri 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 petitioner shall stay at Tiruvannamalai and report before Tiruvannamalai Town Police Station everyday at 10.30 a.m. and 5.30 p.m. until further orders. The petitioner shall not enter into the jurisdictional limits of the respondent police until further orders.

(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;

(g) 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];

(j) 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/-  
05/10/2020

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 JUDICIAL MAGISTRATE,  
HARUR, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE  
DHARMAPURI [FOR INFORMATION]

3 THE OFFICER INCHARGE  
SUB-JAIL, DHARMAPURI.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,  
HARUR POLICE STATION,  
DHARMAPURI DISTRICT.

6 THE OFFICER INCHARGE  
TIRUVANNAMALAI TOWN POLICE STATION,  
TIRUVANNAMALAI.

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

CRL OP.15628/2020

Date :05/10/2020

cs 06/10/2020