

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 15667 of 2020

1. Aravinth
2. Sudhakar

... Petitioners

Vs.

The State rep by
The Inspector of Police,
Esplanade Police Station,
Chennai, Chennai District.
(Crime No.849 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No.849 of 2020, on the file of the respondent police.

For Petitioners : Mr. D. Arun

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 21.09.2020 for the offences punishable under Sections 341, 294(b), 333 and 506(ii) of IPC, in Crime No.849 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant who is the staff in the Corporation is that the petitioners are the contract labourers in the Chennai Corporation and that they had in an inebriated condition prevented the defacto complainant and police officers from performing their duties and also assaulted and caused grievous injuries to them. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and due to a dispute a false complaint has been given against the petitioners. He would submit that the petitioners were arrested on 21.09.2020 and that they are in custody for the past 15 days. He further submitted that the injured has been discharged from the hospital and hence he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners were contract labourers assaulted the defacto complainant and his colleagues who were working in the corporation and thereby caused grievous injuries to them. He would further submit that the injured has been discharged from the hospital. Hence he opposed for grant of bail to the petitioners.

5. Taking into consideration the facts and submissions made by the learned counsels and considering the period of incarceration by the petitioners from 21.09.2020, 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 Metropolitan Magistrate-V, Egmore, Chennai, 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 stay at Perambalur and report before the Perambalur Town Police Station daily at 10.30 a.m., for a period of four weeks and thereafter, report before the respondent daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

(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 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];

(h) 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 METROPOLITAN MAGISTRATE
NO.V, EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
EXPLANADE POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

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

CC to M/S.D.ARUN Advocate on payment of necessary charges

WEB COPY
CRL OP.15667/2020
Date :05/10/2020

RVR 06/10/2020