

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.15732 of 2020

Ramadass

... Petitioner

Vs.

The State Rep by

The Inspector of Police,
Valathi Police Station,
Villupuram District.

(Crime No.1144 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.1144 of 2020 on the file of the respondent police.

For Petitioner : Mr.K.Sudhakar

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. 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 24.08.2020 for the offence punishable under **Sections 147, 148, 294(b), 324, 506(ii) and 302 of IPC** in Crime No.1144 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Gayathiri is that there was a previous enmity between the family of the defacto complainant and the family of the accused on account of sharing of property belonging to their father. While so, on 23.08.2020 at 20:00 hours, there was a quarrel between the family of the defacto complainant and the family of the accused. During such quarrel, the accused assaulted the defacto complainant and her family members with cricket stump, knife, wooden log and spear due to which, the defacto complainant and her relatives sustained serious injuries and that the husband of the defacto complainant namely Kalaiselvan died at

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 existing enmity on account of property dispute. He would submit that it is a case and case in counter and that on the complaint given by the petitioner's side, a case in Crime No.1145 of 2020 has been registered against the deceased, defacto complainant and his family members. He would further submit that the deceased is the aggressor and due to the attack inflicted by the petitioner's relatives, A3 Surya Prakash / son of the petitioner, suffered serious injuries and one of his finger got amputated and that it is a case of retaliation for self protection. He would submit that the petitioner has been suffering incarceration from 24.08.2020. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner and the defacto complainant are relatives. The petitioner is the son of the first wife of one Elumalai and the deceased is the son of the second wife of the said Elumalai and there was a dispute between the them with regard to sharing of property. While so on 23.08.2020 at about 8 p.m., there was a quarrel between the two families during which, the petitioner along his sons, wife and other family members assaulted the defacto complainant and her family members due to which, one Kalaiselvan, husband of the defacto complainant sustained injuries and died in the scene of occurrence. He would further submit that the investigation is pending.

5. Heard the learned Counsels and perused the F.I.Rs. in respect of Crime No.1144 of 2020 and Crime No.1145 of 2020.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and the fact that there is a case in counter and also 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, Senchi**, 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 Chennai and report before the S-1 Pallavaram Police Station, everyday at 10.30 a.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];

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

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

सत्यमेव जयते -sd/-

07/10/2020

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,
SENCHI.

2 THE JAILER,
SUB JAIL, VILLUPURAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VALATHI POLICE STATION,
VILLUPURAM DISTRICT.

5 THE INSPECTOR OF POLICE,
S-1 PALLAVARAM POLICE STATION,
CHENNAI.

CC to M/S.K.SUDHAKAR Advocate on payment of necessary
charges

CRL OP.15732/2020

Date :07/10/2020

MK:08/10/2020



WEB COPY