

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.11.2020

CORAM :

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

CRL.O.P.Nos.15767, 15672, 15789 of 2020

Sathiyaseelan @ Kutty ... Petitioner in Crl.O.P.No.15767 of 2020

Jaishankar @ Shankar ...Petitioner in Crl.O.P.No.15672 of 2020

Tamilarasan @ Arasu ...Petitioner in Crl.O.P.No.15789 of 2020

Vs.

State rep. by
The Inspector of Police,
Vishnu Kanchi Police Station,
Kanchipuram,
Kanchipuram District.
(Crime No.3506 of 2020) ... Respondents in all Crl.O.P's

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in connection with Crime No.3506 of 2020 on the file of the respondent.

For Petitioner
in Crl.O.P.No.15767 of 2020 : Mr.A.Saranraj

For Petitioner
in Crl.O.P.No.15672 of 2020 : Mr.C.D.Johnson

For petitioner
in Crl.O.P.No.15789 of 2020 : Mr.D.Sudharsanam

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

C O M M O N O R D E R

(The cases have been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 18.09.2020 for the offences punishable under Sections 294(b), 307, 387, 506(ii) IPC in Crime No.3506 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant Sriram is that they had purchased a property from its owner during the month of September 2020 and on 14.09.2020, they received a threatening call from a person claiming to be Dinesh stating that they cannot purchase or sell any property in Kanchipuram limits without their knowledge. Thereafter, on 17.09.2020, the accused came to the shop of the defacto complainant and threatened him stating that without their knowledge, nobody can purchase or sell property in Kancheepuram and also attempted to assault him. Fortunately, the defcto complainant escaped from the attack without any injury. Hence, the complaint.

3.The learned counsels appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case since, the respondent suspected that the petitioners are the members of one Sridhar Gang. Further, a very reading of F.I.R. would show that it is a foisted case. The learned Counsels would further submit that even as per the prosecution, no one was injured in this case and that the petitioners have been suffering incarceration for more that 45 days from 18.09.2020. Hence, they pray for grant of bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioners are the members of one Sridhar gang and they are notorious elements and that they were in the habit of threatening the businessmen who purchase lands in and around Kanchipuram and demanding mamool. He would submit that the petitioners threatened the defacto complainant and attempted to attack him with Aruval. Fortunately, he escaped from the attack. As far as the petitioner in Crl.O.P.No.15767 of 2020 is concerned, he has got two previous cases to his credit and the petitioners in Crl.O.P.No.15789 of 2020 and Crl.O.P.No.15672 of 2020 are concerned, they have got one previous case respectively.

5. At this juncture, the learned Counsel for the petitioner in Crl.O.P.No.15767 of 2020 would submit that as far as the petitioner is concerned he was earlier implicated in a false case for offence under Section 302 IPC and thereafter, he was acquitted by the trial Court.

6.Heard the learned Counsels on either side and perused the materials on record.

7.Taking into consideration of the facts and circumstances of the case and the 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) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Kanchipuram 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) In Crl.O.P.No.15767 of 2020, the petitioner shall stay at Madurai and report before the Vilakkuthoon Police Station everyday at 10.30 a.m. until further orders.

In Crl.O.P.No.15789 of 2020, the petitioner shall stay at Virudhachalam and report before the Town Police Station everyday at 10.30 a.m. until further orders and;

In Crl.O.P.No.15672 of 2020, the petitioner shall stay at Salem and report before the Fort Police Station everyday at 10.30 a.m. until further orders. The petitioners shall not enter into the jurisdictional limits of the respondent police 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;

(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/-
03/11/2020

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,
NO.I, KANCHIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE JAILER
SUB-JAIL, KANCHIPURAM.

4 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

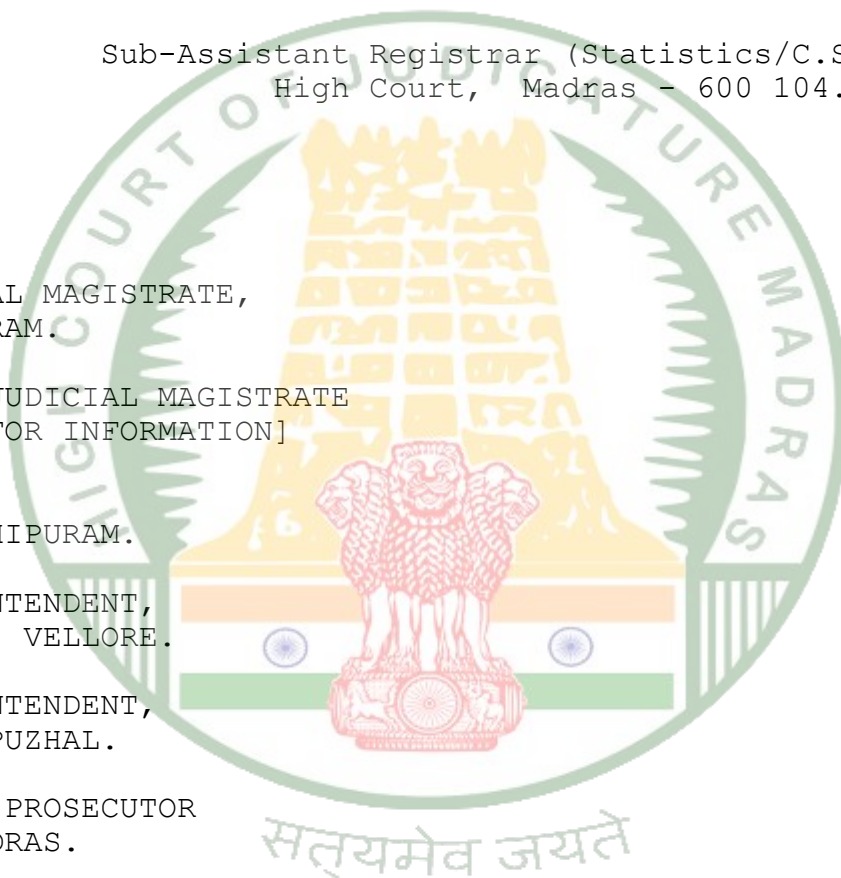
5 THE SUPERINTENDENT,
CENTRAL JAIL, PUZHAL.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

7 THE INSPECTOR OF POLICE,
VISHNU KANCHI POLICE STATION,
KANCHIPURAM, KANCHIPURAM DISTRICT.

8 THE OFFICER INCHARGE
VILAKKUTHOON POLICE STATION,
MADURAI.

9 THE OFFICER INCHARGE
TOWN POLICE STATION,
VIRUDHACHALAM.



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10 THE OFFICER INCHARGE
FORT POLICE STATION,
SALEM.

+1 CC to M/S. A.SARANRAJ Advocate on payment of necessary charges
SR.No.7229

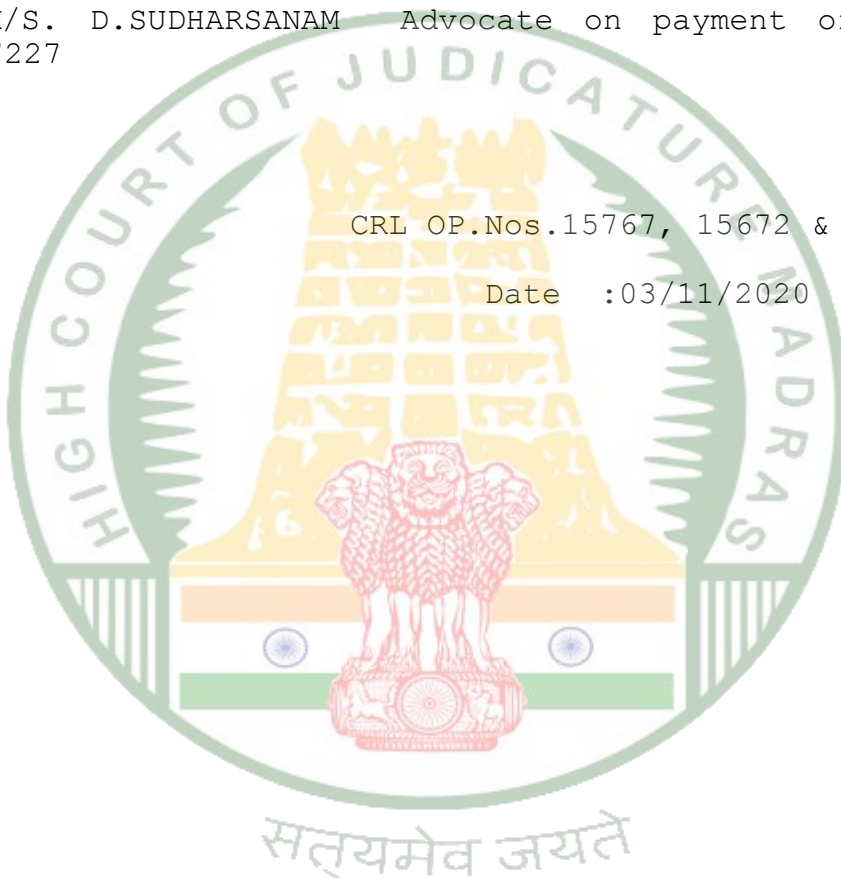
+1 CC to M/S. C.D.JOHNSON Advocate on payment of necessary charges
SR.No.7205

+1 CC to M/S. D.SUDHARSANAM Advocate on payment of necessary
charges SR.No.7227

CRL OP.Nos.15767, 15672 & 15789/2020

Date :03/11/2020

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