

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.10.2020

CORAM :

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

CRL.O.P.Nos.16064 & 16046 of 2020

VILFAR

... Petitioner in Crl.O.P.16064/2020

- 1.MANIMARAN
- 2.DINESH
- 3.MANIVANNAN
- 4.VENKATAPATHY

... Petitioners in Crl.O.P.16046/2020

Vs.

State Represented by
Station House Officer,
Nellikuppam Police Station,
Cuddalore District.
(Crime No.1194/2020)

... Respondent in both Crl.O.Ps.

PRAYER: Criminal Original Petitions are filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.1194 of 2020 on the file of the respondent.

For Petitioners : Mr.A.M.Rahamath Ali (in both Crl.O.Ps)

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

O R D E R

(The cases have been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 20.07.2020 for the offences punishable under Sections 147, 148, 294(b), 324, 302, 120-B of IPC r/w 34 IPC, in Crime No.1194 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant viz. Sudhakar is that the deceased one Subhash won the local body elections defeating one Dhamodharan, Al in this case, due to which, there was enmity between two families. While so, on 19.07.2020 at about 4.30 p.m. when the deceased Subhash was discussing with his friends about celebrating Pongal in the family temple, the accused waylaid them and threatened him, abused and also assaulted him indiscriminately with deadly weapon, due to which, the victim sustained serious injuries and thereafter the defacto complainant and others have taken the victim to the hospital and at the time of admission, he was declared brought dead.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that admittedly there was rivalry between the family of the deceased and the family of the petitioners, due to which, the entire family members have been implicated in this case. He would further submit that there are no specific overt act against these petitioners and they are only the relatives of A1 to A5. He would further submit that A1 to A5 have been detained under Act 14. He would further submit that the petitioners were arrested on 20.07.2020 and they are in custody for more than 80 days.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that due to dispute regarding local body election, there was enmity between the petitioners and the victim, thereby, the petitioners have joined together and waylaid the deceased and assaulted him indiscriminately with deadly weapons, due to which, the victim sustained serious injuries and when he was taken to the hospital, he was declared brought dead. He would further submit that as far as A1 to A5 are concerned, they have been detained under Act 14. He would further submit that these petitioners are also equally responsible for having caused injuries on the deceased.

5.Heard the learned counsels on either side. Perused F.I.R. and other materials placed on record.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration the period of incarceration suffered by the petitioner from 20.07.2020 and also considering the fact the main accused A1 to A5 have been detained under Act 14, 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) each, with two sureties each for a like sum to the satisfaction of the Learned Judicial Magistrate No-1, Cuddalore, 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 on their release from prison shall stay at Chennai and report before the Flower Bazaar 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.

7. With the above directions, these Criminal Original Petitions are ordered.

-sd/-

14/10/2020

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,
NO.I, CUDDALORE.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT,
MADRAS.

4 STATION HOUSE OFFICER,
NELLIKUPPAM POLICE STATION,
CUDDALORE DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

6 THE OFFICER INCHARGE,
FLOWER BAZAAR POLICE STATION,
CHENNAI.

+2 CC to M/S.A.M.RAHAMATH ALI Advocate on payment of necessary
charges Sr.NOS.6883 & 6882

CRL.O.P.Nos.16064 & 16046 of 2020

Date :14/10/2020

RVR 15/10/2020



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