

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.10.2020

CORAM :

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

CRL.O.P.No.16251 of 2020

Pakkiri @ Pakkirisamy

... Petitioner

Vs.

The State, represented by
Inspector of Police,
Nellikuppam Police Station,
Cuddalore District.
(Crime No.1194/2020)

.... Respondent

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

For Petitioner : Mr.C.Ramkumar

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

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 20.07.2020 for the offences punishable under Sections 147, 148, 294(b), 324, 302, 34 and 120 (B) of 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 election defeating one Dhamodharan, A1 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 petitioner would submit that the petitioner is an innocent and he has 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 petitioner, 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 the petitioner and he is only the relative of A1 to A5. He would further submit that A1 to A5 have been detained under Act 14 and the co-accused have been granted bail by this Court in Crl.O.P.No.16064 of 2020 by order dated 14.10.2020 and that the petitioner has been suffering incarceration for more than 80 days from 20.07.2020. 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 due to dispute regarding local body election, there was enmity between the petitioner and the victim. Thereby, the petitioner along with other accused 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 and the petitioner has been arrayed as A10. He would further submit that this petitioner is 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 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 and co-accused have been granted bail by this Court, 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 No-1, Cuddalore, and on further conditions that: सत्यमेव जयते

(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 on his 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 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.

-sd/-

15/10/2020

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 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

5 INSPECTOR OF POLICE,
NELLIKUPPAM POLICE STATION,
CUDDALORE DISTRICT.

6 THE OFFICER INCHARGE,
FLOWER BAZAAR POLICE STATION, CHENNAI

CC to M/S. C. RAMKUMAR Advocate on payment of necessary charges
Sr. 6944

CRL OP.16251/2020

Date : 15/10/2020

RVR 16/10/2020

<https://hcservices.ecourts.gov.in/hcservices/>