

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 16.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA
Crl.O.P.No. 16490 of 2020

1. Thirumoorthi
2. Vijay

... Petitioners

Vs.

State Represented by
The Inspector of Police,
Sendurai Police Station,
Ariyalur District.
(Crime No.488 of 2020)

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.488 of 2020 pending investigation on the file of the respondent.

For Petitioners : Mr.B. Rabu Manohar

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

ORDER

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 05.10.2020 for the offences punishable under Sections 341, 147, 148, 294(b), 323, 506(ii) of I.P.C and Section 3 of Tamil Nadu Public Property Prevention of Damages and Loss Act in Crime No.488 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant one Murugan is that the defacto complainant is a lorry driver and when he was driving his lorry, the petitioners who have come in a car bearing Registraion No. TN-61-K-2827 waylaid the lorry of the defacto complainant and assaulted him and caused damages to the windshield of the lorry. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that when the petitioners who are members of a political party were on the way to attend the funeral of their party man and the defacto complainant had driven the lorry in a rash and negligent manner in the highway and dashed against the car and there was quarrel. The defacto complainant had given a false complaint as if the petitioners have assaulted and caused damage to the windshield. He would further submit that without prejudice to their defence and contentions the petitioners are ready to deposit Rs.10,000/- each to the credit of Crime No. Hence, he prays for grant of bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently opposed stating that the petitioners who are political functionaries waylaid the defacto complainant's lorry quarrelled with him, assaulted him and also damaged the windshield of the lorry.

5.Heard the learned counsels on either side and perused the F.I.R.

6.Taking into consideration of the facts and circumstance of the case and the submissions made by the learned counsels and the petitioners are ready to deposit Rs.10,000/- each to the credit of Crime No., 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), each with two sureties each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Sendurai, 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 report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 am., until further orders.

(d) the petitioners shall deposit Rs.10,000/- each to the credit of Crime No.488 of 2020 before the concerned Magistrate and the amount shall be disbursed after the conclusion of the trial.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) 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];

(i) 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/-
16/10/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, SENDURAI.

2 THE OFFICER INCHARGE,
SUB-JAIL, ARIYALUR.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
SENDURAI POLICE STATION,
ARIYALUR DISTRICT.

+1CC to M/S.B.RABU MANOHAR Advocate on payment of necessary charges SR NO.6986

CRL OP.16490/2020

Date :16/10/2020

MK:19/10/2020