

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.11.2020

CORAM :

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

CRL.O.P.Nos.17420 and 17463 of 2020

Dhanasekar ... Petitioner in Crl.O.P.No.17420/2020

CHANDRU @ RAMACHANDRAN ... Petitioner in Crl.O.P.No.17463/2020

Vs.

THE STATE OF TAMIL NADU,
Represented by its:
Inspector of Police [L & O],
K9 Thiru Vi Ka Nagar Police Station,
Chennai.
(Crime No.809 of 2020) ... Respondent

COMMON PRAYER: Criminal Original Petitions filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in in Crime No.809 of 2020, pending investigation on the file of the respondent police.

For Petitioners : Mr.T.Shanmugaboopathi - Crl.O.P.17463/2020
: Mr.B.Kalaiarasan - Crl.O.P.17420/2020

For Respondent : Mr.T.Shunmugarajeswaran, Govt. Advocate

C O M M O N O R D E R

(These cases have been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 03.10.2020 for the offences punishable under Sections 147, 148, 294(b), 341, 323, 324, 448, 427, 336 & 307 of IPC, in Crime No.809 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant viz. Gayathridevi is that on 03.10.2020, due to pathway dispute between the family of the defacto complainant and the petitioner in Crl.O.P.No.17463 of 2020, the petitioners along with other accused attempted to block the pathway, hence, the complaint was given to the police via Police Control Room, thereby, the police called her for enquiry, at that time, the petitioner Chandru along with his associates had entered into the

house of the defacto complainant and assaulted her and her relatives with knives and machetes.

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 there is a pathway dispute between the defacto complainant and the petiitoners. He would further submit that when the defacto complainant did not succeed in her civil litigation, she has given a false complaint against the petitioners. He would further submit that the injured has been discharged from the hospital.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners who are politically influential person attempted to block the pathway of the defacto complainant and when the defacto complainant gave a complaint to the respondent police on 03.10.2020, due to which, the petitioners got enraged and they have trespassed into the house of the defacto complainant and assaulted her and her relatives with knife and machete, due to which, they have sustained multiple injuries. He would further submit that though the injured has been discharged from the hospital, tension prevails in the locality and hence he vehemently oppose for the grant of bail to the petitioners.

5.At this juncture, the learned counsel appearing for the petitioner would submit that the petitioners are in custody from 04.10.2020 and they are prepared to abide by any stringent conditions that to be imposed by this Court and they are also prepared to stay away from the place of occurrence.

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

7.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration of the fact that there is no previous case pending against the petitioner and the injured has been discharged from the hospital and also the fact that the petitioner is in custody from 04.10.2020, 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 V Metropolitan Magistrate, Egmore Unit, Chennai 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 his release from prison shall stay at Vellore and report before the Vellore North Police Station everyday at 10.30 a.m. and 5.30 p.m. until further orders. The petitioner shall not enter into the jurisdictional limits of the respondent police.

(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, this Criminal Original Petition is ordered.

-sd/-
06/11/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE NO.V,
EGMORE UNIT, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE, (L & O)
K9 THIRU VI KA NAGAR POLICE STATION,
CHENNAI

6 THE OFFICER INCHARGE,
VELLORE NORTH POLICE STATION,
VELLORE.

CC to M/S. B.KALAIARASAN Advocate on payment of necessary
charges

+2CC to M/S.Mr.T.Shanmugaboopathi Advocate on payment of
necessary charges SR NO.7342

CRL.OP.NOS.17420 & 17463 OF 2020

Date :06/11/2020

MK:09/11/2020

सत्यमेव जयते

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