

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.11.2020

CORAM :

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

CRL.O.P.No.17681 of 2020

1.Parthiban
2.Iman @ Immanuel
3.Rajesh Kanna
4.Vinothkumar
5.Raheem @ Abdul Raheem
6.Hari @ Hariprasath
7.Vicky @ Vignesh
8.Karan @ Karanraj
9.Chandran

... Petitioners

Vs.

State Rep by:-
The Inspector of Police,
P-2, Otteri Police Station,
Chennai.
(Crime No.991 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.991 of 2020 pending on the file of the Inspector of Police, P-2, Otteri Police Station, Chennai.

For Petitioners : Mr.M.S.A.Sithik

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

ORDER

(The cases have been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 09.10.2020 for the offences punishable under Sections 147, 148, 341, 294(b), 324 & 307 of IPC in Crime No.991 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de facto complainant Sarathkumar is that due to previous enmity, the petitioners waylaid him and assaulted him indiscriminately due to which, he sustained

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. Even as per F.I.R., there was previous enmity between the petitioners and the defacto complainant. He would further submit that there is no previous case against the petitioners and the alleged victim is also discharged from the hospital and that the petitioners have been suffering incarceration from 09.10.2020. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that due to previous enmity, the petitioners assaulted the defacto complainant indiscriminately due to which, he sustained injuries on the head and shoulder. He would further submit that the victim has been discharged from the hospital and there is no previous case against the petitioners.

5. Taking into consideration the facts and submissions made by the learned counsels and the fact that there is no previous case against the petitioners and also considering 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 is 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 X Metropolitan Magistrate, Egmore, 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 release from prison, shall stay at Ranipet and report before the Ranipet Police Station everyday at 10.30 a.m 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

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
10/11/2020

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 METROPOLITAN MAGISTRATE
NO.X, EGMORE, CHENNAI.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
P-2, OTTERI POLICE STATION,
CHENNAI.

6 THE OFFICER INCHARGE
RANIPET POLICE STATION,
RANIPET.

+1 CC to M/S. K.M.MOHAMED ZIAUDDIN Advocate on payment of
necessary charges SR.No.7443

CRL OP.17681/2020

Date :10/11/2020

cs 11/11/2020