

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.17658 of 2020

1.Perumal

2.Manikandan

... Petitioners

Vs.

State Rep by:-

The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.

(Crime No.1285 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.1285 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.E.Kannadasan

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 20.10.2020 for the offences punishable under Sections 294(b), 323 of IPC r/w Section 3(1) of Tamil Nadu Public Property (Prevention of Damage & Loss) Act 1992, in Crime No.1285 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the *de facto* complainant Raja is that his son Boopathy fell in love with one Gayathri, daughter of Perumal Yasodha due to which, there was enmity between them. While so, on 19.10.2020 at 11 p.m., the accused entered in to the house of the defacto complainant with iron rod and knives, abused in filthy language and assaulted the defacto complainant's daughter with hands and also caused damages to the household articles and two wheelers.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case due to previous enmity. In fact, the son of the defacto complainant had teased the daughter of the first petitioner and thereby, there was a quarrel between them and that it is a case and case in counter. He would further submit that the petitioners have been suffering incarceration from 20.10.2020. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the petitioners along with other accused entered into the house of the defacto complainant, abused him in filthy language and also caused damages to the household articles and two wheelers worth Rs.70,000/-. Further, the accused have assaulted the daughter of the defacto complainant by using hands. He would further submit that there is no previous case against the petitioners.

5. Taking into consideration the facts and submissions made by the learned counsels and 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 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), with two sureties each for a like sum to the satisfaction of the Judicial Magistrate No-I, Krishnagiri, 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 report before the respondent police 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 5560];

(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 JUDICIAL MAGISTRATE NO.I,
KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE JAILER,
SUB-JAIL, KRISHNAGIRI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KRISHNAGIRI TOWN POLICE STATION,
KRISHNAGIRI DIST.

CC to M/S.E.KANNADASAN Advocate on payment of necessary charges

CRL OP.17658/2020

Date :10/11/2020

MK:11/11/2020

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