

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No. 18610 of 2020

1. Rajukumar
2. Chhotankumar Bhagat
3. Naradsha
4. Achhe Lalasah
5. Sudhirkumar Mahto
6. Dilipsahni ... Petitioners

Vs.

The State represented by,
The Inspector of Police,
Kattur Police Station,
Thiruvallur District. ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No. 1044 of 2020, pending investigation on the file of the Inspector of Police, Kattur Police Station, Thiruvallur District.

For Petitioner : Mr.R.Muthukumar

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 06.10.2020 for the offences punishable under Sections **147, 323, 324 of IPC r/w Section 4 of TNPPDL Act** in Crime No. 1044 of 2020 on the file of the respondent police, seek bail.

2 The case of the prosecution is that the petitioners are the contract labourers working under L&T Company on 30.09.2020. All had gone to attend natural call near a shrimp farm and the local villagers objected the same. At that time, the petitioners were

assaulted and clash aroused between the petitioners and the villagers, due to which, the defacto complainant sustained injuries. Hence, there is a complaint and counter complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that earlier, the petitioners gave a complaint in Crime No.1039 of 2020 against the defacto complainant. He would further submit that the petitioners are suffering incarceration from 06.10.2020. Hence, he prays to grant bail to the petitioners.

4 The learned Government Advocate (Crl. Side) would submit that the petitioners are the contract labourers working under the L&T Company on 30.09.2020. Al had gone to attend natural call near a shrim farm and the local villagers objected and assaulted the petitioners in retaliation. The petitioners assaulted the defacto complainant and both group sustained injuries. He would further submit that the counter case in Crime No.1039 of 2020, the defacto complainant and others arrested in that case and later, granted bail. Hence, he vehemently opposed for grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and on the fact that it is a case and counter, this Court is inclined to grant bail to the petitioners.

6. The petitioners are released on bail on further condition to execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) each, with two sureties, each for a likesum to the satisfaction of the the **learned Judicial Magistrate No.II, Ponneri**, and on further conditions that;

(a) the petitioners shall report before the respondent police as and when required.

(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 shall not commit any offences of similar nature;

(d) the petitioner shall not abscond either during investigation or trial;

(e) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f) 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];

(g) 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/-
24/11/2020

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.II, PONNERI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI

4 THE PUBLIC PROSECUTOR, HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KATTUR POLICE STATION, THIRUVALLUR DISTRICT

+1 CC to M/S.R.MUTHUKUMAR Advocate on payment of necessary charges SR.NO.7788

CRL OP.18610/2020

Date :24/11/2020

GKS:27/11/2020