

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.11.2020

CORAM :

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

CRL.O.P.No.17921 of 2020

Devarajan @ Devaraj

... Petitioner

Vs.

State Rep by its

The Sub- Inspector of Police,
Kadaladi Police Station,
Tiruvannamalai.

(Crime No.2740 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with the case in Crime No.2740 of 2020 pending investigation on the file of the respondent.

For Petitioner : Mr.Sathiyaraj.E

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

O R D E R

(The cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 02.09.2020 for the offence punishable under Sections 147, 148, 324, 294(b), 307 & 506(ii) of Indian Penal Code, in Crime No.2740 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Anitha is that there was a property dispute between the family of the defacto complainant and the family of the petitioner. While so, on 25.10.2020 at about 8 p.m., the petitioner along with his relatives, trespassed into the house of the defacto complainant and assaulted the defacto complainant and his relatives with knives and machetes due to which, they sustained injuries.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case due to enmity in respect of property dispute. He would further submit that there is no previous case against the petitioner and that the alleged victims have also been discharged from the hospital. He would further submit that the petitioner is a senior citizen and he has been suffering incarceration from 26.10.2020. 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 in respect of property, the petitioner along with his relatives assaulted the defacto complainant and his relatives with knives and machetes due to which, they sustained injuries. He would further submit that the injured has been discharged from the hospital and there is no previous case against the petitioner.

5. Heard the learned counsel on both sides and perused the F.I.R.

6. Taking into consideration the facts and submissions made by the learned counsels and the fact that the injured has been discharged from the hospital and there is no previous case against the petitioner and also considering the period of incarceration suffered by the petitioner, 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 District Munsif Cum Judicial Magistrate, Kalasapakkam, Tiruvannamalai District, 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 petitioner, on his release from prison, shall stay at Villupuram and report before the Town Police Station, everyday at 10.30 a.m until further orders;

(d) the petitioner shall not commit any offences of similar nature;

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

(f) the petitioner 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 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];

(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/-

11/11/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KALASAPAKKAM,
TIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI DISTRICT. (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
KADALAI POLICE STATION,
TIRUVANNAMALAI.

5 THE OFFICER INCHARGE,
SUB JAIL, TIRUVANNAMALAI

6 THE OFFICER INCHARGE,
TOWN POLICE STATION, VILLUPURAM

CC to M/S.SATHIYARAJ E. Advocate on payment of necessary charges
Sr.7543

CRL OP.17921/2020

Date :11/11/2020

RVR 18/11/2020

WEB COPY