

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.18078 & 18081 of 2020

Mr.VADIVEL ... Petitioner in Crl.O.P.No.18078 of 2020

Mr.HARIPRASAD @ HARI ... Petitioner in Crl.O.P.No.18081 of 2020

Vs.

THE STATE OF TAMIL NADU ... Respondent in all Crl.O.Ps

Represented by its:

Inspector of Police [L & O].

K9 Thiru Vi Ka Nagar Police Station,

Chennai.

Crime No.809 of 2020.

Common Prayer: Criminal Original Petitions are filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No.809 of 2020 pending investigation before the respondent police station.

In all the Criminal Original Petitions

For Petitioners : Mr.B.Kalaiarasan

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. Side)

COMMON ORDER

(These cases have been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 14.10.2020 for the offences punishable under **Sections 147, 148, 294(b), 341, 323, 324, 448, 427, 336 and 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 first accused, 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 first accused 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 was a pathway dispute between the defacto complainant and the first accused. Since, 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 and the co-accused have been granted bail by this Court vide Crl.O.P.Nos.17109 and 17420 of 2020 by orders dated 02.11.2020 and 09.11.2020 respectively. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners who are politically influential persons 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, the petitioners got enraged and they along with other accused 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 petitioners would submit that the petitioners are in custody from 14.10.2020 and they are prepared to abide by any stringent conditions that to be imposed by this Court.

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 the fact that the injured has been discharged from the hospital and the co-accused in this case have been granted bail by this Court and also considering the period of incarceration suffered by the petitioners from 14.10.2020, 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) each , 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 petitioner in CrI.O.P.No.18078 of 2020 viz. Vadivel on his release from prison shall report before the respondent police daily at 10.30 a.m. and 5.30 p.m. until further orders.

(d) The petitioner in CrI.O.P.No.18081 of 2020 viz. Hariprasad @ Hari 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 until further orders.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) 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];

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

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

-sd/-

18/11/2020

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 V METROPOLITAN MAGISTRATE,
EGMORE UNIT, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE, (L AND O),
K-9, THIRU VI KA NAGAR POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

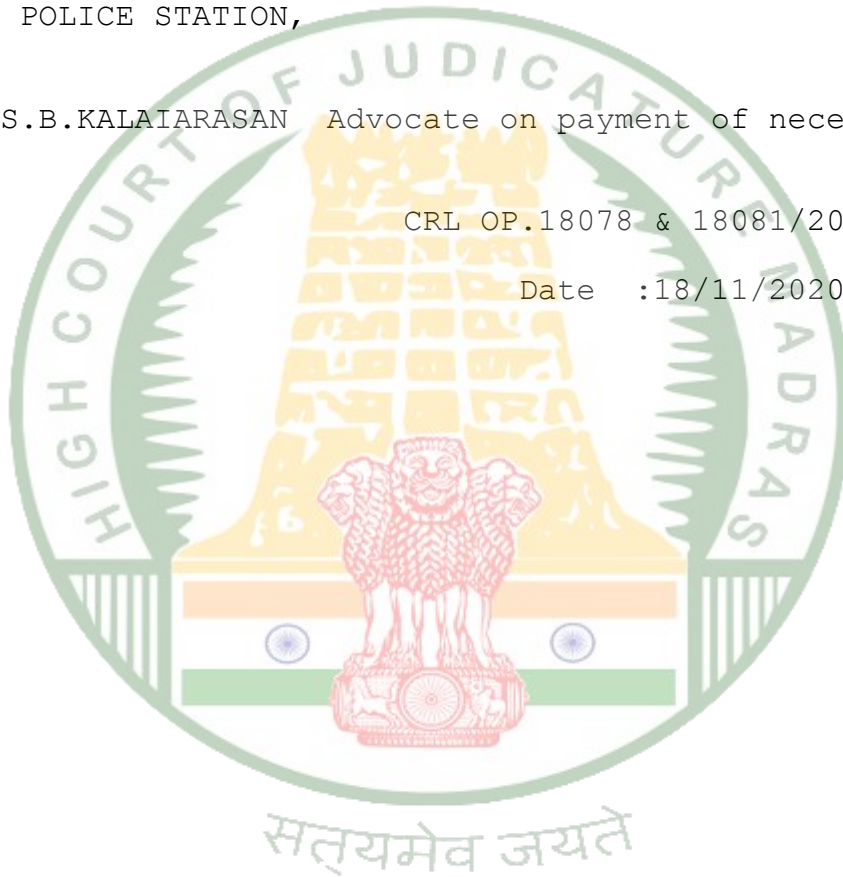
6 THE OFFICER INCHARGE,
VELLORE NORTH POLICE STATION,
VELLORE.

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

CRL OP.18078 & 18081/2020

Date :18/11/2020

TA-19/11/2020



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