

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2020

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.18440 & 18462 of 2020

S.Manikandan @ Mattumani

... Petitioner in
Crl.OP.18440/2020

Raji

... Petitioner in
Crl.OP.18462/2020

Vs.

State rep. by
The Inspector of Police
T-5, Thiruverkadu Police Station
Chennai
(Crime No.924 of 2020)

... Respondent

Common Prayer: Criminal Original Petitions filed under Section 439 Cr.P.C. to enlarge the petitioners on bail in Crime No.924 of 2020, pending on the file of the respondent police.

For Petitioners : Mr.L.Uthayakumar / CrlOP.18440/2020
Mr.V.Nanmaran / CrlOP.18482/2020

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

C O M M O N O R D E R

(The cases have been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 26.09.2020, for the offences punishable under Section **324, 307 IPC and later altered to 147, 148, 324 and 307 IPC**, in Crime No.924 of 2020 on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 23.09.2020, while the defacto complainant, the Ex-chairman of the local Panchayat, Thiruverkadu, along with his friend one Munusamy was proceeding, at that time, A1 who had political rivalry motive against the defacto complainant, had engaged the other accused

viz. A2 to A9 to do away with him, due to which, the defacto complainant sustained injuries on his head and he was also bleeding through nose and ears and in order to escape from their attempt, the defacto complainant and his friend escaped from the scene of occurrence and had gone into the temple and locked inside, otherwise, they would have been done to death.

3. The learned counsel appearing for the petitioners would submit that the petitioners are A6 and A7 in this case and they are innocent and they have been falsely implicated in this case. He would further submit that they have no previous cases against them. He would further submit that even as per the prosecution, the defacto complainant has stated that three unknown persons have attempted to assault him. He would further submit that the petitioners are in judicial custody for the past two months and they have no previous cases to their credit.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioners have attempted to do away with the life of the defacto complainant. He would further submit that the defacto complainant had fortunately escaped from the scene of occurrence by locking him inside the temple. He would further submit that the accused used knife, aruval and axe to assault the defacto complainant and his friend, due to which, the defacto complainant sustained injuries in the temporal region and vomited blood and then he was taken to the hospital and treated. He would further submit that the injured has been discharged. He would further submit that there is a life threat to the defacto complainant. He would further submit that A1, A2, A3 and A5 have been detained under Act 14 and A1 has got one 302 IPC case to his credit. As far as these petitioners are concerned, they have no previous cases. He would further submit other accused A4, A8 are absconding and are yet to be arrested. Investigation is pending.

5. Heard both sides and perused the material placed on record.

6. Taking into consideration of the facts and submissions made by the learned counsels and also considering the fact that there are no previous cases against these petitioners and also taking into consideration that the injured has been discharged, 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 Judicial Magistrate No.1I, Poonamallee 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 Salem and report before the Sevvapet Police Station everyday at 10.30 a.m., until further orders. The petitioners shall not enter into the jurisdictional limits of the respondent police.

(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 abscond, a fresh FIR can be registered under Section 229A IPC.

7. With the above directions, these Criminal Original Petition are ordered.

-sd/-
23/11/2020

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,
POONAMALLEE

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE JAILER, SUB JAIL,
THIRUTANI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
T-5, THIRUVERKADU POLICE STATION, CHENNAI.

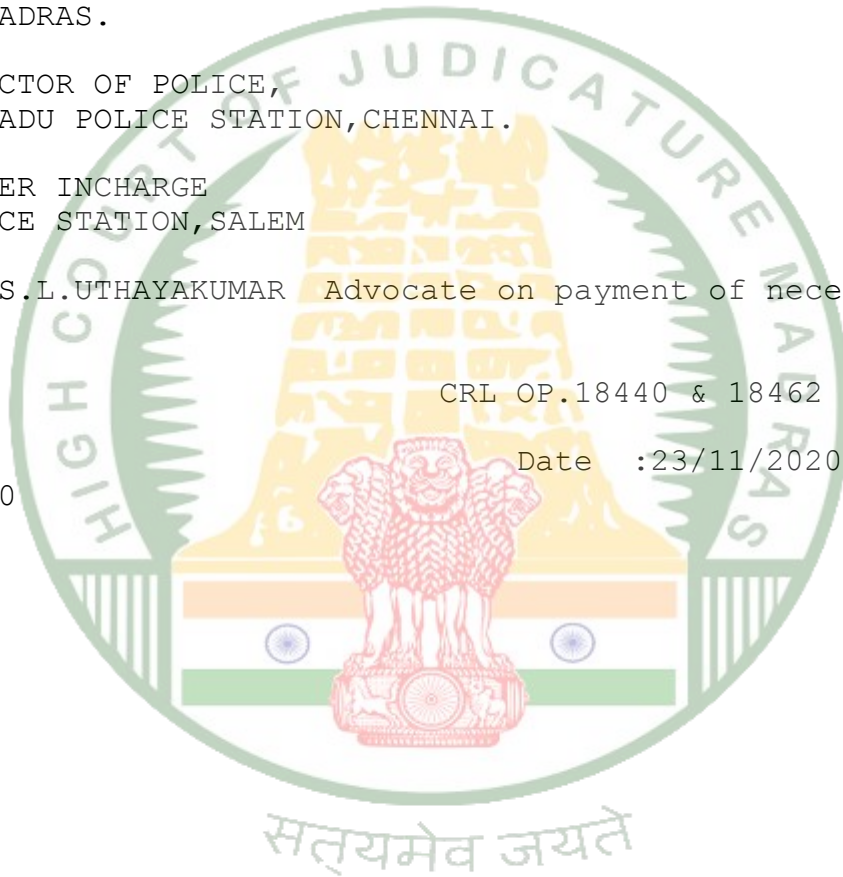
6 THE OFFICER INCHARGE
SEVVAPET POLICE STATION, SALEM

CC to M/S.L.UTHAYAKUMAR Advocate on payment of necessary
charges

CRL OP.18440 & 18462 of 2020

Date :23/11/2020

GKS:27/11/2020



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