

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No. 19081 of 2020

Suriyaprakash

... Petitioner/3rd Accused

Vs.

The State represented by,
The Inspector of Police,
Valathi Police Station,
Villupuram District.
(Crime No.1144 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 1144 of 2020, on the file of the respondent police.

For Petitioner : Mr.K.Sudhakar

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

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 01.11.2020 for the offences punishable under Sections 147, 148, 294(b), 324, 506(ii) and 302 of IPC, in Crime No. 1144 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Gayathiri is that there was a previous enmity between the family of the defacto complainant and the family of the accused on account of sharing of property belonging to their father. While so, on 23.08.2020 at 20:00 hours, there was a quarrel between the family of the defacto complainant and the family of the accused. During such quarrel, the accused assaulted the defacto complainant and her family members with cricket stump, knife, wooden log and spear due to which, the defacto complainant and her relatives sustained serious injuries and that the husband of the defacto complainant namely Kalaiselvan died at the spot.

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 the enmity on account of sharing of property. He would further submit that the father of the petitioner and the deceased are the sons of one Elumalai through different wives and there was a dispute, thereby, the incident had happened. He would further submit that the deceased Kalaiselvan attacked the father of

the petitioner and he had suffered serious injuries. He would further submit that the deceased is the aggressor and due to the attack injuries have been inflicted on the petitioner and his relatives suffered serious injuries and one of his fingers got amputated and that it is a case of retaliation for self protection. He would submit that the petitioner has been suffering incarceration from 01.11.2020. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner and the defacto complainant are relatives and there was a dispute between them with regard to sharing of property. While so on 23.08.2020 at about 8 p.m., there was a quarrel between the two families during which, the petitioner along with his family members assaulted the defacto complainant and her family members due to which, one Kalaiselvan, husband of the defacto complainant sustained injuries and died at the place of occurrence. He would further submit that the investigation is pending.

5.Heard the learned Counsels on either side. Perused F.I.R in both cases and other materials placed on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsels and also considering the period of incarceration undergone 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 Judicial Magistrate, Senchi, 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 shall stay at Chennai and report before the S-1 Pallavaram Police Station, everyday at 10.30 a.m. Until further orders. The petitioner shall not enter into the jurisdictional limits of the respondent police 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/-

04/12/2020

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,
SENCI

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VALATHI POLICE STATION,
VILLUPURAM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

6 THE OFFICER INCHARGE,
S-1 PALLAVARAM POLICE STATION,
CHENNAI

CC to M/S.K.SUDHAKAR Advocate on payment of necessary charges
sr.7916

CRL OP.19081/2020

Date :04/12/2020

RVR 07/12/2020

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