

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.12.2020

CORAM :

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

CRL.O.P.No.19526 of 2020

1. SANTHOSH
2. AMSAPPA
3. MANI

... Petitioners

Vs.

STATE REP BY
Inspector of Police,
Bagalur Police Station,
Salem District.
(Crime No.589 of 2020)

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Cr.P.C, to enlarge the petitioners on bail in Crime No.589 of 2020 on the file of the respondent police.

For Petitioners : Mr.R.Ezhilarasan

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 15.11.2020 for the offence punishable under Sections 294(b), 324, 506(ii) of IPC and subsequently, the same was altered into Sections 294(b), 324, 506(ii) and 307 of IPC in Crime No.589 of 2020, seek bail.

2. The case of the prosecution as per the de facto complainant is that on 14.11.2020, the accused had bursted crackers in front of the house of the de facto complainant, due to which, there was a quarrel between them, due to the quarrel, the accused assaulted the de facto complainant with brick and aruvaal on the left eye, right ear and left ring finger. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and that due to a quarrel, the incident had occurred. He would submit that on the complaint given by the petitioners, a case in Crime No.590 of 2020 was registered against the de facto complainant. He would submit that the injured have been discharged from the hospital and the petitioners are in custody from 14.11.2020. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police would vehemently oppose stating that there was a quarrel during bursting of crackers, due to which, the petitioners had assaulted the de facto complainant. He would submit that due to the attack by the first accused, the victim had suffered skull fracture and he was originally taken to Hosur hospital and thereafter, he was shifted to Krishnagiri, from there, he was again shifted to Dharmapuri Government Hospital and later, he was admitted at Salem Government Hospital. He would submit that though the injured has been discharged from the hospital, the victim had suffered grievous injuries at the hands of A1.

5. At this juncture, the learned counsel for the petitioners would submit that as far as the second and third petitioners are concerned, they have not assaulted the victim and the allegations against them is that they have assaulted the friend of the de facto complainant Venkatesh.

6. In view of the submissions made by the learned counsel that the first petitioner/A1 has caused serious injuries to the de facto complainant, this Court is not inclined to grant bail to the first petitioner. Hence, this Criminal Original Petition is dismissed in respect of the first petitioner.

7. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels and also considering the period of incarceration suffered by the petitioners 2 & 3, this Court is inclined to grant bail to the petitioners 2 and 3 subject to the following conditions:

(a) Accordingly, the petitioners 2 & 3 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), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-I, Krishnagiri, 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 2 & 3 shall report before the respondent Police everyday at 10.30 a.m. until further orders;

(d) the petitioners 2 & 3 shall not commit any offences of similar nature;

(e) the petitioners 2 & 3 shall not abscond either during investigation or trial;

(f) the petitioners 2 & 3 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

15/12/2020

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,
NO.I, KRISHNAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BAGALUR POLICE STATION,
SALEM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

6 THE OFFIER INCHARGE,
SUB JAIL, HOSUR

CC to M/S.R.EZHILARASAN Advocate on payment of necessary charges

CRL OP.19526/2020

Date :15/12/2020

RVR 16/12/2020

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