

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.19947 of 2020

1.Asokan
2.Vijayan
3.Ranjitham

... Petitioners

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Deevattipatty Police Station,
Salem. (Crime No.698 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.698 of 2020 on the file of the respondent police.

For Petitioners : Mr.R.Singaravelan
Senior Counsel for Mr.I.Saddam Hussain

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

O R D E R

(The case has been heard through video conference)

The 1st and 3rd petitioners, who were arrested and remanded to judicial custody on 19.10.2020 and the 2nd petitioner, who was arrested and remanded to judicial custody on 20.10.2020 for the offence punishable under Sections 147, 148, 302 of IPC and later, it was altered to Sections 147, 148, 447, 294(b), 352, 506(ii) and 302 of IPC in Crime No.698 of 2020, seek bail.

2. The case of the prosecution as per the de facto complainant Manimegalai is that due to land dispute, on 17.10.2020 at about 3.00 p.m, five members namely Krishnan (1st Accused), Vijayan (2nd Petitioner/3rd Accused), Asokan (1st Petitioner/2nd Accused), Ponnuvel (4th Accused) and Ranjitham (3rd Petitioner/5th Accused) have blocked the Public Pathway with thorny bushes preventing the family of the deceased from accessing their agricultural land, due to which, there was a quarrel, during which, the petitioners along with other accused assaulted the de facto complainant's family with Bill hook and sticks, due to which, the mother-in-law of the de facto complainant succumbed to the injuries.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case, due to family rivalry on account of land dispute. He would submit that though the de facto complainant had

stated that bill hook and sticks were used, other than a contusion no external injury has been found on the deceased. He would submit that entire family has been falsely roped in this case and that they are in custody from 19.10.2020. He would submit that the major part of the investigation is over and 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 the petitioners and the de facto complainant are relatives and that there was a land dispute with regard to irrigation channel and that due to which, all the accused joined together, quarrelled with the de facto complainant and her family members and assaulted them, due to which, the mother-in-law of the de facto complainant succumbed to injuries. He would submit that till date, tension prevails in the village and picketing is there.

5. Heard the learned counsel on either side. Perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions of the learned Counsels and also the fact that other than a contusion no other external injury was found on the de facto complainant's mother-in-law Malliyammal/deceased and also considering the period of incarceration suffered by the petitioners, 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), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Omalur, 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 shall stay at Chennai and the 1st and 2nd petitioner shall report before the North Beach Police Station everyday at 10.30 a.m. and the 3rd petitioner shall report before the North Beach Police Station every Monday at 10.30a.m., until further orders;

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

7. 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

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Sub-Assistant Registrar (Statistics/C.S.)

High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
OMALUR

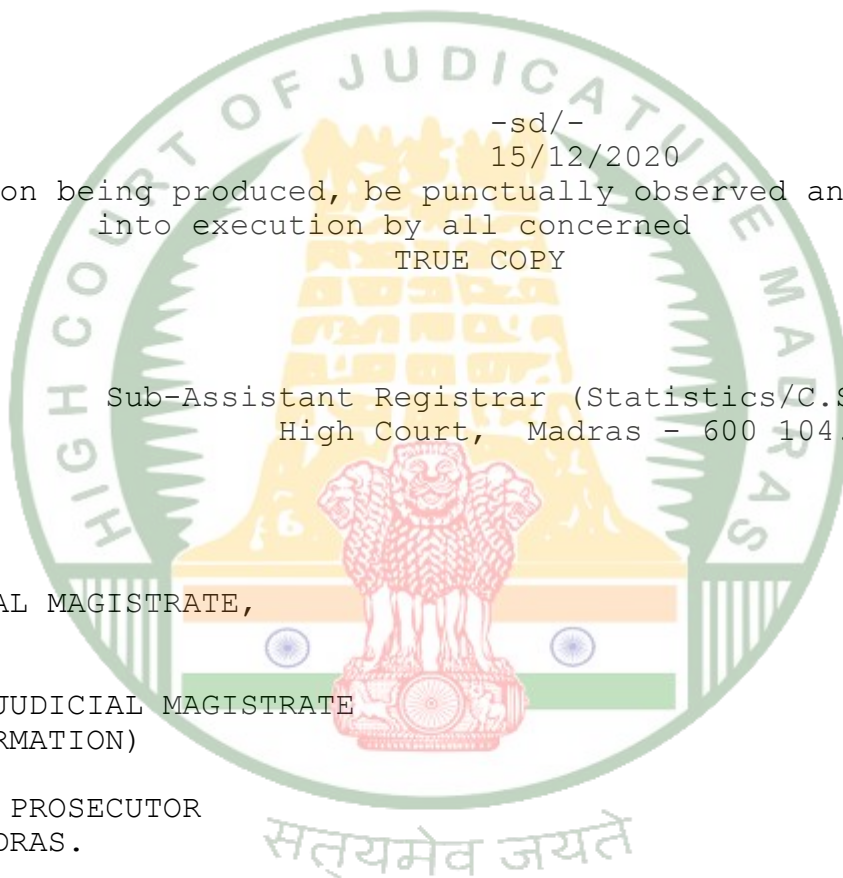
2 THE CHIEF JUDICIAL MAGISTRATE
SALEM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE
DEEVATTIPATTY POLICE STATION,
SALEM.

5 THE SUPERINTENDENT,
CENTRAL PRISON,
SALEM

6 THE SUPERINTENDENT,
CENTRAL PRISON,
SPECIAL PRISON FOR WOMEN,
SALEM.



WEB COPY

7 THE OFFICER INCHARGE,
NORTH BEACH POLICE STATION,
CHENNAI

CC to M/S I.SADDAM HUSSAIN Advocate on payment of necessary
charges sr.8210

CRL OP.19947/2020

Date :15/12/2020

RVR 17/12/2020



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