

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.12.2020

CORAM :

THE HON'BLE Mr. JUSTICE V.SIVAGNANAM

CRL.O.P.Nos.20147 and 20149 of 2020

1. Rajini
- S/O.Vasu
2. Arunachalam
3. Rajini
- S/O.Shankar
4. Palani
5. Sekar
6. Thoppalan

... Petitioners in Crl.O.P.No.20147 of 2020

Sivakumar

... Petitioner in Crl.O.P.No.20149 of 2020

Vs.

State rep. by
The Inspector of Police,
Pudupalayam Police Station,
Thiruvannamalai District.
(Crime No.2540 of 2020)

... Respondents in both Crl.OPs.

COMMON PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the Petitioners on bail, in the case pending investigation in Crime No.2540 of 2020 on the file of the respondent police.

For Petitioners : Mr.R.Thamarai Selvan

For Respondent : Mr.K.Madhan

Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who was arrested and remanded to judicial custody on 27.11.2020 for the offence punishable under Sections 147, 448, 420 of IPC, in Crime No.2540 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant is that on 27.11.2020, while the defacto complainant was performing house warming ceremony, the accused persons have entered into his house and asked change for Rs.2,000/- from the relative of the defacto complainant and after receiving the same, they have picked up a quarrel with him stating that they

gave Rs.10,000/-. On enquiry, it was found that the accused are no way connected with the house warming function and thereafter, they have escaped from the scene of occurrence.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this. He would further submit that the petitioners have been suffering incarceration for more than one month from 27.11.2020. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the petitioners have entered into the house of the defacto complainant and asked his relative to give change for Rs.2,000/-. After receiving change for Rs.2,000/-, they have picked up a quarrel with him and demanded Rs.8,000/- more stating that they gave Rs.10,000/- and thereafter, they escaped from the scene of occurrence. He would further submit that there is no previous case against the petitioners.

5. Heard the learned Counsels and perused the F.I.R.

6. Overall consideration of the facts, the nature of accusation, the nature of offences, the materials in support of the accusation and the circumstances of the case and the period of detention of the petitioner in the judicial custody, 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.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Chengam, 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 appear before the respondent police every day at 10.30 a.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 stands ordered.

-sd/-
30/12/2020

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,
CHENGAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
PUDUPALAYAM POLICE STATION,
THIRUVANNAMALAI.

+2CC to M/S R.THAMARAI SELVAN Advocate on payment of necessary charges SR NOS.8730, 8731

CRL.OP.NOS.20147 & 20149 OF 2020

Date :30/12/2020

MK:30/12/2020