

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.20148 of 2020

1. Jayasurya

2. Dinesh @ Dinesh Kumar

... Petitioners

Vs.

State, rep. by

The Inspector of police

Salavakkam Police Station,

Kancheepuram District.

Crime No.1250 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.1250 of 2020 on the file of the respondent police.

For Petitioners : Mr.R.Sasikumar

For Respondent : Mr.T.Shunmugarajeswaran

Government Advocate (Crl. Side)

ORDER

(These cases have been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 30.11.2020 for the offences punishable under Sections 294(b), 341, 324, 506(ii) of IPC and Section 3(1) of TNPPDL Act, in Crime No.1250 of 2020, on the file of the respondent police seek bail.

2. The case of the prosecution as per the defacto complainant Chitra is that she was working in SSS Company and that she used to go and come back from duty in a Mahindra Van driven by one Prakash. While so, on 29.11.2020 at about 7 p.m., while she was returning from office, the accused had waylaid the van by parking a two wheeler in front of the van and abused the driver of the van and caused damages to the van by hitting it with stones and wooden logs and also assaulted the van driver saying that he was the driving the van with lot of sound in the Audio system.

3. The learned Counsel for the petitioners would submit that the petitioners are innocent and a petty quarrel has been exaggerated. He would submit that the driver had driven the van in a rash and negligent manner. Since, it was questioned by the petitioner, a false complainant has been given against him. He would further submit that the defacto complainant and the petitioners belong to the same village and the matter has also been compromised between the parties and that the defacto complainant has also filed necessary affidavit to that effect. He would further submit that without prejudice to their defence, the petitioners are prepared to deposit a sum of Rs.5,000/- each to the credit of crime number and that they have no objection in the amount being paid to the driver of the Van. He would further submit that the petitioners have been suffering incarceration from 30.11.2020. Hence, he prays for grant of bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioners waylaid the van in which the defacto complainant was travelling and abused and assaulted the driver of the van. Further, they have damaged the windshield of the van with stones and wooden log and that the investigation is pending.

5. Heard the learned Counsels on either side. Perused the materials placed on record.

6. Taking into consideration of the facts and circumstances of the case and the submissions made by the learned counsels 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 directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand Only) each, to the Crime No.1250 of 2020 and on such deposit, 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 District Munsif cum Judicial Magistrate, Uthiramerur, 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 report before the respondent police everyday at 10.30 a.m. until further orders.

(d) the learned Judicial Magistrate shall hand over the amount deposited by the petitioners to the driver of the van namely Prakash on proper identification and acknowledgement.

(e) the petitioners shall not commit any offences of similar nature;

(f) the petitioners shall not abscond either during investigation or trial;

(g) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(h) 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];

(i) 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/-

17/12/2020

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
UTHIRAMERUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE JAILER,
DISTRICT JAIL, CHENGALPATTU.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
SALAVAKKAM POLICE STATION,
KANCHEEPURAM DISTRICT.

+1CC to M/S R.SASIKUMAR Advocate on payment of necessary charges SR NO.8381

CRL OP.20148/2020

Date :17/12/2020

MK:18/12/2020



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