

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.12.2020

CORAM :

THE HON'BLE Mr. JUSTICE V.SIVAGNANAM

CRL.O.P.No.21008 of 2020

1.RAJKUMAR
2.KARUNAKARAN
3. SATHISH @ SATHISHKUMAR

... Petitioners

Vs.

State By,
Inspector of Police
Kottakuppam Police Station
Villupuram District
(Crime No.2147 of 2020)

.... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.2147 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.S.Sasikumar

For Respondent : Mr.K.Madhan
Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioners, who was arrested and remanded to judicial custody on 12.12.2020 for the offence punishable under Sections 341, 363, 323, 324, 342, 506(II), 307 IPC in Crime No.2147 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution as per the *de facto* complainant is that due to previous enmity, the petitioners attacked the defacto complainant with cricket bat and hands.

3. The learned counsel appearing for the petitioners/A1, A3 and A4 would submit that the petitioners are innocent and they have been falsely implicated in this due to previous enmity. He would further submit that the petitioners have been suffering incarceration from 12.12.2020 and the injured has been discharged from the hospital. Hence, he prays for grant of bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would vehemently oppose stating that the petitioners along with others attacked the defacto complainant with cricket bat and hands. He would further submit that the first and third petitioners have got one previous case each to their credit and that the injured has been discharged from the hospital.

5. 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 petitioner 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 District Munsif cum Judicial Magistrate, Vanur**, 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 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.

6.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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VANUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
VILLUPURAM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KOTTAKUPPAM POLICE STATION,
VILUPURAM DISTRICT.

5 THE OFFICER INCHARGE,
DISTRICT PRISON, VILLUPURAM.

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

CRL OP.21008/2020

Date :30/12/2020

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MN-31/12/2020