

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.951 of 2021

1.Balaji
2.Ramesh
3.Murali

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Kaveripattinam Police Station
Krishnagiri District
Crime No.1420 of 2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.1420 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Mr. Govind Chandrasekhar

For Respondent : Mrs.M. Prabhavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 30.12.2020 for the offences punishable under Section 448, 294(b), 506(ii), 379 of IPC and Section 3 of TNPPDL Act, in Crime No.1420 of 2020, seeks bail.

2. There are totally three accused in this case and the petitioners are A1 to A3. The allegation is that due to some property dispute, the petitioners trespassed into the de-facto complainant's house, attacked him and caused damage to the household articles to the value of Rs.7,000/- and also stolen 50 sovereigns of gold jewels. Hence the complaint.

3. The learned counsel for the petitioners would submit that there is a civil dispute between the petitioners and the de-facto complainant, due to which, a false complaint has been given. He would further submit that the petitioner has been in judicial custody since 30.12.2020. Hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor would submit that due to previous enmity, the petitioners attacked the de-facto complainant and damaged the house hold articles worth Rs.7000/- and also stolen 50 sovereigns of gold jewels. Hence, she opposed to grant bail to the petitioners.

5. Considering the fact that the occurrence took place in a wordy quarrel between the parties and also taken into account the period of incarceration undergone 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 his executing a 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 Judicial Magistrate No.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, on their release from prison, shall appear before the respondent police as and when required for interrogation.

(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/-
25/01/2021

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
KRISHNAGIRI [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, KRISHNAGIRI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KAVERIPATTINAM POLICE STATION,
KRISHNAGIRI.

+1CC to M/S GOVIND CHANDRASEKHAR Advocate on payment of
necessary charges SR NO.832

CRL OP.951/2021

MK:27/01/2021

Date :25/01/2021

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