

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.828 of 2021

1.V.Venkatesh
2.Naveen Kumar
3.Althaph
4.Thanvanth

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Chengalpattu Town Police Station
Chengalpattu
(Crime No.4051 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.4051 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Mr. R.Ganesh Kumar

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 03.01.2021 for the offences punishable under Sections 147, 148, 294(b), 447, 341, 323, 324, 506(ii) of IPC r/w 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, in Crime No.4051 of 2020, seek bail.

2. There are totally seven accused in this case and the petitioners are added as A1 to A4. The allegation is that all the accused entered into the de-facto complainant's Biryani shop and attacked the de-facto complainant and his son and also caused damage to the shop property worth about Rs.5,00,000/-. Hence the complaint. The petitioners were arrested on 03.01.2021.

3. The learned counsel for the petitioners would submit that the petitioners and the de-facto complainant are neighbours. The de-facto complainant had left his vacant land uncleaned, thereby lot of venomous reptiles often coming to the 1st petitioner's house. Hence, the 1st petitioner's father approached the de-facto complainant to clean the land and in a wordy quarrel, the de-facto complainant attacked him, due to which a complaint has been given in Crime

No.4052 of 2020. As a counter blast, the present complaint has been given against the petitioners. He would further submit that the petitioners have been in judicial custody since 03.01.2021. Hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor would submit that all the petitioners entered into the house of the de-facto complainant and attacked him and also caused damage to the shop property worth about Rs.5,00,000/-. Hence, she opposed to grant bail to the petitioners.

5. Considering the facts and circumstances of the case and also of the fact that the occurrence took place in a wordy quarrel and also taken into account the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners in subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on their 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 learned Judicial Magistrate No.I, Chengalpet, 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 his release from prison, shall report 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 petitioner 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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

21/01/2021

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, CHENGALPET

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
CHENGALPATTU TOWN POLICE STATION,
CHENGALPATTU.

5 THE OFFICER INCHARGE
SUB JAIL, MATHURANTHAGAM

CC to M/S.R.GANESH KUMAR Advocate on payment of necessary charges Sr.652

CRL OP.828/2021

Date :21/01/2021

RVR 22/01/2021

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