

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.02.2021

CORAM :

THE HON'BLE Mr. JUSTICE V.SIVAGNANAM

CRL.O.P.Nos.1802 and 1803 of 2021

Tamilarasu @ Ambi .. Petitioner in Crl.O.P.No.1802 of 2021

R.Gopi @ Mohanraj .. Petitioner in Crl.O.P.No.20971 of 2021

Vs.

State rep. By, ... Respondent in both petitions
The Inspector of Police
Perundurai Police Station,
Crime No.443 of 2018

Now transferred to
The Inspector of Police,
CBCID - Erode.
(Crime No.1 of 2020)

COMMON PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to grant Bail to the Petitionere in Crime No.1 of 2020 pending on the file of the Inspector of Police, CBCID, Erode.

For Petitioners : Mr.M.Deivanandam
in both the petitions

For Respondent : Mr.Charles Premkumar
Government Advocate (Crl. Side)
in both the petitions

COMMON ORDER

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 08.12.2020 for the offence punishable under Sections 341, 363, 324, 506(ii) of IPC altered to 120(b), 294(b), 341, 342, 364, 307, 506(ii) and 201 of IPC, in Crime No.1 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 08.08.2018, the petitioners/A3 and A4 along with other accused are alleged to have

abducted the defacto complainant and caused injuries and criminally intimidated him. Hence the complaint.

3. The learned counsel appearing for the petitioners would submit that the case in Crime No.443 of 2018 was originally registered in the Perundurai Police Station. The petitioners submitted that the entire investigation in this case has been completed and the petitioners are not taken for police custody after a lapse of 15 days and hence there is no necessity to detain them under judicial custody and the petitioners would abide any condition imposed by this Court. Co accused/A1 and A2 are already granted bail by the learned Principal District and Session Judge, Erode in CrI.M.P.Nos.1193 of 2018 and 1192 of 2018. Further the petitioners are incarcerated for the past 60 days. Hence, he prays for grant of bail to the petitioners. He would further submit that the petitioners were arrested on 08.12.2020.

4.The learned Government Advocate (CrI. Side) appearing for the respondent police would submit that the investigation is still pending. The petitioners were arrested on 08.12.2020 and the first remand period got completed on 22.12.2020. The specific overt acts attributed as against the petitioners are that the A3 being the driver of the Jeep, helped the other accused persons to use the vehicle and A4 assaulted the victim with wooden log and due to which, the victim got grievous injuries and admitted in a hospital as inpatient. Properties involved in this crime were seized by the respondent police. Hence, he vehemently opposed to grant bail to the petitioners.

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

6. Initially, the case has been registered by the Inspector of Police, Perundurai Police Station, in Crime No.443 of 2018. A1 and A2 were already granted bail by the Principal District and Session Judge, Erode in CrI.M.P.Nos.1193 of 2018 and 1192 of 2018. Further, the specific overt acts attributed by the petitioners are that the 3rd accused being the driver of the Jeep, helped the other accused persons to cause serious injuries on the victim and the 4th accused by using wooden log, caused injuries to the victim. Further, the petitioners are incarcerated for more than 60 days.

7.However, an overall consideration of the facts, the nature of accusation, the nature of offence, the materials in support of the accusation and the circumstances of the case and the period of detention of the petitioners 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, that each of them to execute a 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-III, Erode**, 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. for a period of one month thereafter 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 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 is ordered.

-sd/-
08/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

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सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL DISTRICT
AND SESSIONS JUDGE, ERODE.

2 THE JUDICIAL MAGISTRATE,
NO.III, ERODE.

3 THE CHIEF JUDICIAL MAGISTRATE
ERODE. [FOR INFORMATION]

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4 THE INSPECTOR OF POLICE,
PERUNDURAI POLICE STATION,

5 THE INSPECTOR OF POLICE,
CBCID - ERODE

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

7 THE OFFICER INCHARGE
SUB JAIL, ERODE.

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

CRL OP.1802 & 1803/2021

Date :08/02/2021

TA-09/02/2021



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