

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.1644 of 2021

1. Santhosh
2. Arumugam
3. Guna
4. Steepan

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Thiruvenkadu Police Station,
Nagapattinam District.
(Crime No. 490 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.490 of 2020 pending investigation on the file of the Respondent.

For Petitioner : M/s.Om Sai Ram

For Respondent : Mr.M. Prabavathy,
APP

ORDER

(The case has been heard through video conference)

Petitioners, who were arrested and remanded to judicial custody on 16.12.2020 for the offence punishable under Sections 294 (b), 324, 341 and 307 IPC in Crime No.490 of 2020, seeks bail.

2. The case of the prosecution is that there was a group clash between the parties in connection with fishing rights, and in pursuant to the same, the petitioners are said to have way laid the defacto complainant and attacked the defacto complainant and other persons and caused serious injuries. Hence, a case has been registered against the petitioners.

3. The learned counsel for the petitioner would submit that the petitioners have been falsely implicated in this case. Due to road accident, the defacto complainant and others sustained injuries and the petitioners have nothing to do with the same. Hence, he seeks bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there was a group clash between the parties and one of the injured person is still in coma stage. Hence, she opposed to grant bail to the petitioners.

5. Considering the said facts and circumstances of the case 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 ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Sirkali, 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 stay at Trichy and report before the Inspector of Police, Trichy Cantonment Police Station daily 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 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/-

03/02/2021

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,
SIRKALI.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUVENKADU POLICE STATION,
NAGAPATTINAM.

5 THE OFFICER INCHARGE,
SUB JAIL, NAGAPATTINAM.

6 THE INSPECTOR OF POLICE,
TRICHY ANTONMENT POLICE STATION,
TRICHY.

+1 CC to M/S.OM SAI RAM Advocate on payment of necessary charges SR NO. 1050

CRL OP.1644/2021

Date :03/02/2021

MN-04/02/2021