

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.5687 of 2021

S. Kanniappan

... Petitioner

Vs.

The State rep.by
The Inspector of Police,
D3, Kanagammachatram Police Station,
Tiruttani Taluk,
Tiruvallur District.
(Crime No.476 of 2016) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with the case Crime No.476 of 2016 pending investigation on the file of the respondent police.

For Petitioner : Mr. S. Arunkumar

For Respondent : Mrs. M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested on 27.01.2021 through P.T.Warrant for the offence punishable under Sections 147, 148, 341, 294(b), 324 and 307 of IPC in Crime No.476 of 2016, seeks bail.

2. Totally, there are 14 accused and the petitioner is arrayed as A1. The case of the prosecution is that there was enmity between two groups in respect of possession of temple lands. Due to the same, both the parties attacked each other and it is a case in counter. The petitioner was arrested in another complaint on 07.01.2021 and subsequently, through P.T. warrant he was arrested on 27.01.2021.

3. The learned counsel for the petitioner would submit that the occurrence has taken place in the year 2016. Both the accused and the defacto complainant belongs to the same village. In a temple festival, occurrence has taken place and the petitioner has not aware of the fact that he was made an accused in this case. He was arrested in another criminal case. It is a case in counter. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing would submit that the occurrence has taken place in the year 2016. It is a case in counter. Petitioner was absconding for a long time and thereafter, he was arrested in another criminal case. He was arrested in this case on 27.01.2021 through P.T. Warrant. All other accused are still absconding. Investigation is still pending.

5. Considering the facts and circumstances of the case, and the fact that it is a case in counter and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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, Tiruttani, Tiruvallur 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 petitioner, on release from the prison, shall report before the respondent police as and when required for interrogation;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner 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 petitioner 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.

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

-sd/-
26/03/2021

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,
TIRUTTANI, TIRUVALLUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
D3, KANAGAMMACHATRAM POLICE STATION,
TIRUTTANI TALUK,
TIRUVALLUR DISTRICT.

+1 CC to M/S.S.ARUNKUMAR Advocate on payment of necessary charges
SR.No.4117

WEB COPY

CRL OP.5687/2021

Date :26/03/2021

cs 29/03/2021