

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.Nos.7050, 7053 & 7073 of 2020

Sanjaigandhi ... Petitioner in Crl.O.P.7050 of 2020
Senthamilan ... Petitioner in Crl.O.P.7053 of 2020
Mahendran ... Petitioner in Crl.O.P.7073 of 2020

Vs.

State rep by its
The Inspector of Police,
Thiruvarur Taluk Police Station,
Thiruvarur District.
Cr.No.86 of 2020 ... Respondent in all Crl.O.Ps.

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.86 of 2020 on the file of the respondent police.

For Petitioners : Mr. D. Prabu
in all Crl.O.Ps
For Respondent : Mrs.M. Prabhavathi,
in all Crl.O.Ps APP

O R D E R

(The case has been heard through video conference)

The Petitioners, who were arrested and remanded to judicial custody on 29.02.2020 for the offence punishable under Sections 147, 148, 294(b), 324, 307 and 506(ii) of IPC in Crime No.86 of 2020, seek bail.

2. Totally, there are 6 accused and the petitioners are A5, A3 and A1 respectively. The case of the prosecution is that due to previous enmity, the petitioners along with other accused said to have attacked the defacto complainant in filthy language and also attacked him with dangerous weapons and also criminal intimidated the defacto complainant and his family members. Hence, the complaint came to be registered.

3. The petitioners were arrested and remanded to judicial custody on 01.03.2020. Subsequently, this Court by an order dated 26.03.2020 granted interim bail to the petitioners till 27.04.2020.

4. The learned counsel for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He would further submit that it is a case in counter and co-accused were granted anticipatory bail. Hence, he prays for grant of bail.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that investigation in this case is almost completed. Co-accused in this case were granted anticipatory bail. She would also submit that it is a case in counter. Hence, she opposed to grant bail to the petitioners.

6. Taking into consideration of the facts and circumstance of the case, and the fact that it is a case in counter and co-accused were already granted anticipatory bail and investigation is almost completed 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, Thiruvavarur, 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 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 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, these Criminal Original Petitions are ordered.

-sd/-

02/03/2021

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,
TIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR [FOR INFORMATION]

3 THE OFFICER INCHARGE,
THE DISTRICT PRISON, NAGAPATTINAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
THIRUVARUR TALUK POLICE STATION,
THIRUVARUR DISTRICT

+2 CC to M/S.D.PRABU Advocate on payment of necessary charges
Sr.Nos.2615 & 2616

CRL OP.Nos.7050, 7053 & 7073 of 2020

Date :02/03/2021

RVR 03/03/2021

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