

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2021

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.7903 of 2021

1.Siva
2.Poovarasu
3.Muthukumaran
4.Karunakaran
5.Sakthivel
6.Ayyappan

.... Petitioners

Vs.

State by
The Inspector of Police,
Thirupalapanthal Police Station,
Kallakurichi District.
(Crime No.134 of 2021)

... Respondent

Prayer:

Petition filed under Section 439 of Cr.P.C., seeking to enlarge the petitioners on bail pending investigation in connection with Crime No.134 of 2021 on the file of the respondent Police.

For Petitioners : Mr.A.C.Chidambaram

For Respondent : Ms.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioners who were arrested on 08.04.2021 for the offence under Sections 147, 294(b) and 506(ii) of I.P.C. and r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.134 of 2021 on the file of the respondent police, seek bail.

2.It is the case of the prosecution that the petitioners abused the defacto complainant with filthy language and damaged the defacto complainant's two wheeler.

3.The learned counsel appearing for the petitioners would submit that the petitioners have not committed any offence as alleged by the prosecution. The learned counsel, on instructions, further submitted that the petitioners are ready to deposit a sum of Rs.50,000/- to the Medical Officer/Dean, Government Kallakurichi Medical College and Hospital, Kallakurichi, to enable the Medical Officer/Dean to use the aforesaid amount for the purpose of treating the COVID-19 patients.

4.Heard the submissions made by the learned Additional Public Prosecutor.

5.Considering the fact that the petitioners are ready to deposit a sum of Rs.50,000/- to the Medical Officer/Dean, Government Kallakurichi College and Hospital for the purpose of treating the COVID-19 patients , I am inclined to grant bail to the petitioners.

6.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) each, with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirukoilur and on further condition that:

(a)the petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) through demand draft drawn in favour of the Medical Officer/Dean, Government Kallakurichi Medical College and Hospital, 48, Raja Nagar, Kallakurichi, to enable the Medical Officer/Dean to use the aforesaid amount for the purpose of treating the COVID-19 patients, within a period of two weeks. The challan/receipt of such payment shall be produced at the time of executing the bond.

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the 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, daily at 10.30 a.m. for a period of two weeks and thereafter, shall report before the respondent police on every Monday at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned 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]; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

27/04/2021

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,
THIRUKOILUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION]

3 THE OFFICER INCHARGE
SUB-JAIL, THIRUKOILUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
THIRUPALAPANTHAL POLICE STATION,
KALLAKURICHI DISTRICT.

6 THE MEDICAL OFFICER/DEAN,
GOVERNMENT KALLAKURICHI MEDICAL COLLEGE
AND HOSPITAL, 48, RAJA NAGAR, KALLAKURICHI.

+1 CC to M/S.R.SASIKUMAR Advocate on payment of necessary charges
SR.No.5363

CRL OP.7903/2021

Date :27/04/2021

cs 27/04/2021