

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.06.2021

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.10258 of 2021

1.Sasikala

2.Vinoth

..Petitioners

-Vs-

The State Rep. by
The Inspector of Police,
G-5, Secretariat Colony Police Station,
Chennai.

Crime No.118 of 2021

..Respondent

Prayer: Criminal Original petition filed under Section 439 of Cr.PC to enlarge the petitioners on bail in Crime No.118 of 2021 on the file of the respondent police.

For Petitioners : Mr.V.Dinesh Kumar

For Respondent : Mr.E.Raj Thilak
Government Advocate (Crl Side)

ORDER

The petitioners, who were arrested and remanded to judicial custody on 29.05.2021 for the offence punishable under Sections 147, 148, 294(b), 186, 353, 332 and 307 of IPC in Crime No.118 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that one, Saravanaperumal lodged complaint and the same was registered in Cr.No.502 of 2021 for the offences under Sections 147, 148, 294(b), 341, 323, 392, 397 and 506(ii) of IPC. On the said complaint, the police persons of Otteri Police Station rushed to the place of occurrence. There was quarrel between the petitioners and the police persons, in which the petitioners also attempted to assault the police persons. Due to which two Sub-Inspectors sustained simple injuries and one Constable sustained simple injury. They were treated as out-patient and on the complaint lodged by the Sub Inspector of Police, the present case has been registered in Cr.No.118 of 2021 for the offences under Sections 147, 148, 294(b), 186, 353, 332 and 307 of IPC.

3. The learned counsel for the petitioners submitted that all the accused persons are women except one accused and the entire case is cooked up story. According to the respondent, when the accused persons were selling liquor illegally, when the Government imposed lock down and it was questioned by the police persons. There was quarrel between them. It was videographed and published in the social media. Except there was wordy quarrel, the petitioners never intended to attack the police persons and they never sold any liquor as alleged by the prosecution. He further submitted that there is absolutely no ingredients to attract the offences under Section 307 of IPC. All are same family members and they were also sent to prison with their months old children. Further, he would submit that co-accused were granted bail by this Court in CrI.O.P.No.9989 of 2021, dated 09.09.2021. They were arrested and remanded to judicial custody on 29.05.2021. Hence, he prays for grant of bail to the petitioners.

4. The learned Government Advocate (CrI. side) submitted that in the present Covid 19 pandemic circumstances, the Government of Tamil Nadu imposed lock down and there is a clear prohibition not to sell any liquor in the Tasmac shop. While it being so, the accused persons were selling liquor illegally. While purchasing the same, there was a quarrel between the petitioners and one, Saravanaperumal. Therefore, he lodged complaint and due to the said complaint, the police persons went there for enquiry. Immediately, all the petitioners attacked the police persons with their hands and scolded with filthy languages. Therefore, two Sub-Inspectors sustained injuries and treated in the hospital.

5. There are totally 12 accused. Except A2 and A3, all the accused are before this Court. Except A11, all are ladies. According to the case of the prosecution, when the petitioners were selling liquor bottle for higher prices in the lock down period, there was dispute between one, Saravanaperumal and the petitioners. In that regard, Saravanaperumal lodged complaint and the same was registered in Cr.No.502 of 2021 for the offences under Sections 147, 148, 294 (b), 341, 323, 392, 397 and 506(ii) of IPC. On the said complaint, the police persons went there for enquiry. There was a wordy quarrel between them and also the petitioners attempted to attack the police persons with their hands. Due to which, some of the police persons sustained simple injury and treated as out-patient. The petitioners were arrested and remanded to judicial custody on 29.05.2021. In fact, some of the accused persons were arrested along with their months old children. It is very painful to note that due to covid-19 pandemic, police persons are working day and night and preventing the spread of corona virus. Under the said circumstances, all the accused persons indulged in selling liquor illegally and also quarreled with the persons who purchased the liquor illegally. In these circumstances, the petitioners quarrelled with the police persons and also attempted to attack them. It cannot be pardonable. However, considering the facts and circumstances of the case and also

considering the fact that the co-accused were granted bail by this Court, this Court is inclined to grant bail to the petitioners subject to the following stringent conditions:

[a] each of the petitioners are directed to deposit a sum of Rs.5,000/- (Rupees five thousand only) to the credit of Tamil Nadu Advocate Clerks Association (S.B. A/c.No.484026006; IFSC No. IDIB000M157) and on such deposit, the petitioners are ordered to be released on bail on executing their own bonds separately for a sum of Rs.10,000/- (Rupees ten thousand only) each before the Superintendent of the concerned prison;

[b] thereafter, each of the petitioners shall execute two sureties, out of which one shall be a blood related surety, for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of fifteen days from the date of lifting of lockdown and commencement of regular functioning of court below, failing which the bail granted by this Court shall stand dismissed.

[c] the petitioners shall report before the respondent police daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall not tamper with evidence or witness 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].

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

6. With the above direction, this Criminal Original Petition is ordered.

-sd/-

11/06/2021

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 II METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
G5, SECRETRAJET COLONY POLICE STATION,
CHENNAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

6 THE TAMILNADU ADVOCATE CLERK
ASSOCIATION (S.B. A/C.NO.484026006;
IFSC NO.IDIB000M157)

CC to M/S.V.DINESH KUMAR Advocate on payment of necessary
charges

CRL OP.10258/2021

Date :11/06/2021

RVR 14/06/2021



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