



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.21332 of 2021

WEB COPY

1. Ariful Mallik
2. Gulam Haider Sekh
3. Mahamin Mondal
4. Maruf SK
5. Alfaj Sekh
6. Akramul Khan
7. Jiyaull Mallik
8. Shyam Sundar Malik
9. Raj Kiswar Malika
10. Mantu Malik
11. Niranjana Barik
12. Prashant Biswal
13. Maheswar Das
14. Ashok Debnath
15. Satyaprakash Rout
16. Nandal Yadav
17. Baki Bilah Beg
18. Lal Singh Kerai
19. Dilip Kumar
20. Shashi Kumar
21. Charan Singh Soy

... Petitioners

Vs.

The State Rep by
The Station House Officer
Sedarapet Police Station
Puducherry

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners on bail in Crime No.37 of 2021 on the file of the Inspector of Police, Sedarapet Police Station, Puducherry.

For Petitioner : Mr.S.Giritharan

For Respondent : Mr.Balamurugane
Additional public Prosecutor,
(puducherry)



ORDER

(The case has been heard through video conference)

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The petitioners who were arrested and remanded to judicial custody on 23.10.2021 for the offences under Sections 148, 427, 332, 307, 186, 149 of Indian Penal Code, 1860 read with Section 3 PDPP Act (Prevention of Damage to Public Property Act, 1984) in Crime No.37 of 2021, on the file of the respondent police, seek bail.

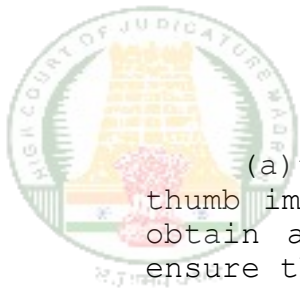
2. The case of the prosecution is that on 22.10.2021 at about 10 hours, upon receipt of information regarding death of one Ajmer Mallik (Wrongly provided as Ajbar Mallik in FIR) S/o. Usman Mallik due to fall of a metal slab bundle on him from crane. Hence, the defacto complainant who is a Police Constable attached to the respondent police station along with the Station House Officer and two others reached M/s.Ganges International Private Limited. At that time, several North Indian contract workers working in the said company formed an unlawful assembly and furiously damaged the police vehicle and other vehicles parked inside the company and damaged the glasses in the company and also attacked the defacto complainant with iron rod and thereby, he suffered injurious on his head, hands and legs. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are migrant workers hailing from North India and they have not committed any offence as alleged by the prosecution and that they have been falsely implicated in this case. He would further submit that the petitioners have been suffering incarceration for about 25 days from 23.10.2021. Hence he prays for grant of bail to the petitioners.

4. The learned Government Advocate raised objection stating that the petitioners are migrant workers and if they are granted bail, they would abscond and the investigation would be stalled. He would further submit that the injured was treated as out patient.

5. Considering the fact that the petitioners are migrant workers and that the injured was treated as out patient and also considering the period of incarceration undergone by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail on their executing separate bonds 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-IV, Puducherry, and on further conditions that:



(a) 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;

(b) the petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders.

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

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

(e) 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;

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

-sd/-

16/11/2021

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,
NO.IV, PUDUCHERRY.

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY [FOR INFORMATION].

3 THE STATION HOUSE OFFICER,
SEDARAPET POLICE STATION,
PUDUCHERRY



4 THE SUPERINTENDENT,
CENTRAL PRISON, PUDUCHERRY.

5 THE PUBLIC PROSECUTOR
PUDUCHERRY.

+1 CC to M/S.S.GIRITHARAN Advocate on payment of necessary
charges SR.NO.12882

CRL OP.21332/2021

Date :16/11/2021

JPA 17/11/2021