



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM:

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

Crl.O.P.Nos.24152, 24153 and 24154 of 2021

1.Rajavarman	.. Petitioner in Crl.O.P.No. 24152/2021
2.Sethuraman	.. Petitioner in Crl.O.P.No. 24153/2021
3.Neethitamilan	.. Petitioner in Crl.O.P.No. 24154/2021

Vs.

State of Tamilnadu

Rep by the Inspector of Police,
Peralam Police Station, Tiruvarur,
Cr.No.983 of 2021

...Respondent in all Crl.O.Ps

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioners/A5, A2 and A3 on bail pending investigation in Crime No.983 of 2021 on the file of the respondent police.

For Petitioners : Mr.K.Chandru
in all Crl.OPs.

For Respondent : Mr.N.S.Suganthan
in all Crl.OP.s. Government Advocate (Crl. Side)

ORDER

(The case has been heard through video conference)

The petitioners who were arrested and remanded to judicial custody on 19.09.2021 for the offences under Sections 147, 148, 294(b), 324, 427, 506(2) and 307 of I.P.C, in Crime No.983 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to property dispute, the petitioners abused the defacto complainant with filthy language and also assaulted him with Aruval and steel rod. Hence, the complaint.

3.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 there is a case in counter and that the petitioners have been suffering incarceration for more than 75 days



from 19.09.2021 and he would pray for grant of bail to the petitioners.

4. The learned Government Advocate (Crl. Side) would raise strong objection stating that due to the assault made by the accused, five persons sustained injuries out of which, one Ayyamperumal/the defacto complainant sustained grievous injuries but admits that the injured have been discharged from the hospital.

5. Considering the facts and circumstance of the case and the investigation is almost completed and that the injured have been discharged from the hospital 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 District Munsif-cum-Judicial Magistrate, Nannilam, and on further conditions that:

(a) the petitioners shall make non-refundable deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) through demand draft to the to the credit of the Government Leprosy Rahabilitation Home, Paranur, Chengalpet and the said amount shall be utilized for improving the infrastructure facilities of the said home and submit the report to the Chengalpet District Collector without prejudice to their defence before the trial Court and the learned Judicial Magistrate, after perusing the challan/ receipt, shall accept the sureties furnished by the petitioners;

(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 on every Tuesday and Sunday at 10.30 a.m. until further orders;

(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.

7. Further, as per FIR, five victims have sustained injuries out of which, the defacto complainant one Ayyamperumal has sustained grievous injuries and thereby, the accused have been charged for the offences under Sections 147, 148, 294(b), 324, 427, 506(2) and 307 of I.P.C. Hence, this Court recommends that it is a fit case to refer, as per 357(A) (1)(2) and (6) of Victim Compensation Scheme. The Legal Services Authority, Tiruvarur District, is hereby directed to pay a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the defacto complainant namely Ayyamperumal and a sum of Rs.25,000/- each (Rupees Twenty Five Thousand Only) to the other 4 victims as interim compensation in the manner known to law within a period of 4 weeks from the date of receipt of copy of this order.

8. With the above directions, the Criminal Original Petitions are ordered.

-sd/-

13/12/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, NANNILAM

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
PERALAM POLICE STATION,
TIRUVARUR

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL JAIL, NAGAPATTINAM



COPY TO:

1 GOVERNMENT LEPROSY
RAHABILITATION HOME, PARANUR,
CHENGALPET.

2 THE CHAIRMAN
LEGAL SERVICES AUTHORITY,
TIRUVARUR

3 THE SECRETARY
LEGAL SERVICES AUTHORITY,
TIRUVARUR DISTRICT.

4 THE LEGAL SERVICES AUTHORITY,
TIRUVARUR DISTRICT.

+3 CC to M/S.K.CHANDRU Advocate on payment of necessary charges
Sr.Nos.14592,14590 & 14591

CRL OP.Nos.24152, 24153 and 24154 of 2021

Date :13/12/2021

RVR 14/12/2021