

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2020

CORAM

THE HONOURABLE MR.JUSTICE. **M.NIRMAL KUMAR**

Crl.O.P.No.8352 of 2020

Elumalai, aged 47,
S/o Velu,
Inam Kariyandhal Puthur Village,
Thiruvannamalai Taluk & District.
...Petitioner

Vs.

State represented by
Sub Inspector of Police,
Thiruvannamalai Taluk Police Station,
Thiruvannamalai District.
(Crime No.1260 of 2020)
...Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C, to enlarge the petitioner on bail in Crime No.1260 of 2020 on the file of the respondent police.

For Petitioner : Mr. R.Balakrishnan

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

The petitioner was arrested and remanded to judicial custody on

26.05.2020 for the offence punishable under Sections 294(b), 352, 324, 506(ii)

<http://www.judis.nic.in>

of IPC @ 294(b), 352, 307 of IPC, in Crime No.1260 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de-facto complainant is the sister-in-law of the petitioner, there was some dispute with regard to cultivate land shares of water from the common well. On 26.05.2020 at 05.00 hours, there was a wordy quarrel between them with regard to water dispute and the petitioner had attacked the de-facto complainant with knife and her thumb and left side ear near face. Hence, the complaint was registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is the younger brother of the de-facto complainant husband Munusamy. The petitioner having 2 ½ acres and they have one common pump sets for cultivate land. Earlier, the petitioner gave a complaint before respondent police as against the complainant in Crime No.1261 of 2020. He would further submit that the petitioner is an innocent person and he has been falsely implicated in this case. Further, he would submit that the petitioner is in judicial custody from 26.05.2020 and seeks bail for the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is the brother-in-law of the de-facto complainant, there was some dispute with regard to sharing water from the common well. Both petitioner as well as the the de-facto complainant were having objection to each other. The

petitioner had also given a complaint before the respondent police as against the de-facto complaint which the case has been registered in Crime No.1261 of 2020.

5. Taking into consideration the nature of allegations against the petitioner in the FIR and also taking note of the fact that the petitioner is in judicial custody from 26.05.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions :

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only) before the Superintendent of the concerned prison in which the petitioner has been confined on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate within a period of 15 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 automatically;

(c) 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;

(d) the petitioner shall report before the respondent police as and when required for interrogation.

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]***;

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

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

09.06.2020

msrm

To

1. The Sessions Judge,
Thiruvannamalai
2. The learned Judicial Magistrate No.II,
Thiruvannamalai.
3. The Sub Inspector of Police,
Thiruvannamalai Taluk Police Station,
Thiruvannamalai District.
4. The Public Prosecutor,
High Court, Madras.
5. The Superintendent
Sub Jail, Thiruvannamalai.

M.NIRMAL KUMAR, J.

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