

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.9006 of 2020

Arjunan

... Petitioner

Vs.

State rep.by

Inspector of Police,

Uthiramerur Police Station,

Kancheepuram District.

Crime No.773 of 2020

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C., praying, to enlarge the petitioner /accused on bail and release him from the custody in Crime No.773 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.G.Punniakoti

For Respondent : Mr.C.Iyyappa Raj,
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 30.05.2020 for the offences punishable under Sections 294(b),307 IPC in Crime No.773 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the co-worker of the sister of the petitioner's wife and further the defacto complainant had illicit intimacy with the wife of the petitioner. On 29.05.2020, the defacto complainant went to petitioner's house and talking with the petitioner's wife. At that time, the petitioner entered the house and saw the incident. Thereafter, a wordy quarrel arose between the petitioner and the defacto complainant. Further, the petitioner had assaulted the defacto complainant with knife in his neck and the defacto complainant got injured.

3. The learned counsel for the petitioner would submit that the defacto complainant had no illegal intimacy with the petitioner's wife and he had gone to petitioner's house for casual talk with the petitioner's wife. At that time, the petitioner entered the house and wordy quarrel happened between the petitioner and the defacto complainant and the petitioner assaulted the defacto complainant with knife in his neck, which was a sudden quarrel and the petitioner has not done with motive. He also submitted that the defacto complainant was discharged from the hospital. Hence, he prayed for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner assaulted the defacto complainant with knife in his neck and ran away from the scene of occurrence. The defacto complainant was also discharged from hospital after treatment. He also submitted that there is no previous bad antecedents against the petitioner.

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 30.05.2020, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

(a) 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 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.

-sd/-

19/06/2020

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 AND SESSIONS JUDGE,
KANCHEEPURAM.

2 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, UTHIRAMERUR.

3 THE SUPERINTENDENT,
DISTRICT PRISON, CHENGALPET.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
UTHIRAMERUR POLICE STATION,
KANCHIPURAM DISTRICT.

CC to M/S. G.PUNNIAKOTI Advocate on payment of necessary charges

CRL OP.9006/2020

Date :19/06/2020