

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.07.2020

CORAM :

THE HON'BLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10248 of 2020

Pachaiyappan

... Petitioner

- Vs. -

The Inspector of Police,
Gurbarapalli Police Station,
Krishnagiri District.

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail pending investigation in Crime No.684 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.Jayachandran

For Respondent : Mr.T.Shanmugarajeswaran,
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 06.06.2020 for the offence under Sections 147, 148, 294(b) 323, 324 and 307 of IPC and 4 of TN Prohibition of Harassment of Women Act, in Crime No.684 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the de facto complainant and the petitioner are adjacent land owners and both of them are having race bulls. On 03.06.2020 the de facto complainant had tied his bullock in his land and the petitioner in this case also tied his bullock on his land. The bull of the A1 had a fight with the bull of the de facto complainant. In that process bull of A1 sustained grievous injuries for which, panchayat was held and A1 demanded Rs.1,00,000/- from the defacto complainant, and it was not accepted by defacto complainant. Thereafter, the petitioner along with other accused went to the house of the defacto complainant and there was wordy quarrel among them and they assaulted the defacto complainant with wooden stick and hands and caused simple injuries. Hence, the

3.The learned counsel of the petitioner submitted that both the petitioner and the defacto complainant are adjacent land owners and tied their bull in their respective lands. The bull of the A1 had fight with the bull of the defacto complainant and due to which the defacto complainant's bull sustained injuries for which, the defacto complainant made unreasonable claim, which was not acceptable.

4. The learned Government Advocate (Cr1.side) appearing for the respondent submitted that totally there were 4 accused in this case and the petitioner herein is A1 and there is some fight between the bull of A1 and defacto complainant. There was also a dispute with regard to payment of the compensation for the injuries sustained by the bull of the A1 by the bull of the defacto complainant. There is a case and counter. A1 has also lodged a complaint against the defacto complainant in crime no. 685/2020 for the offences U/s 294(b), 323, 324, 506(ii) of CPC. He would further submit that the fight is for the compensation to be given by defacto complainant to A1 for the injuries caused to his Bull. The accused had given a counter complaint in crime 685 of 2020. Hence, the case came to be registered.

5. Considering the facts and circumstances of the case, this Court is inclined to grant bail to the petitioner, subject to the following conditions:

a) the petitioner shall execute his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent of the concerned prison.

b) thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the concerned Magistrate, within 15 days from the date of lifting of the lockdown and the commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed.

c) 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.

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

e) the petitioner shall appear before the trial Court during every hearing date without fail.

f) the petitioner shall not tamper with evidence or witness either during investigation or trial.

g) the petitioner shall not abscond 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 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].

i) If the accused thereafter absconds, a fresh FIR can be registered under Section 229AIPC.

-sd/-
08/07/2020

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 JUDICIAL MAGISTRATE,
NO.II, KRISHNAGIRI.

2 THE OFFICER INCHARGE
SUB JAIL, HOSUR.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
GURUBARAPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.

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

CRL OP.10248/2020

Date :08/07/2020

cs 04/08/2020