

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.10996 of 2020

Karthikeyan

... Petitioner

Vs.

The State,

Rep. by Inspector of Police,

Koothanallur Police Station,

Tiruvarur - 614001.

Tamilnadu.

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail pending investigation in Crime No.1135 of 2020 on the file of the respondent police.

For Petitioner : Mr.Nirmal Aditya

For Respondent : Mr.M.Mohamed Riyaz

Additional Government Pleader

O R D E R

(This case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 06.07.2020 for the offences punishable under Sections 294(b) and 307 of IPC, in Crime No.1135 of 2020 on the file of the respondent police, seeks bail

2. The case of the prosecution is that the petitioner suspecting fidelity of his wife/defacto complainant assaulted her with iron rod. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner suspecting fidelity of his wife/defacto complainant and assaulted her with iron rod and caused injuries.

He further submitted that the injured has been discharged from the

hospital. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case, this Court is inclined to grant bail to the petitioner with certain conditions.

6. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering the period of incarceration by the petitioners from 06.07.2020, 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) each, before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the Judicial Magistrate-II, Mannargudi, within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, 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 stay at Thiruvarur and report before the Inspector of Police, Town Police Station, daily at 10.30 a.m for a period of four weeks and thereafter, before the respondent police on every Monday at 10.30 a.m. until further orders.

(e) It is made clear that the petitioner shall not enter into the Jurisdictional limit of the Koothanallur Police station until further orders.

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

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

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

(i) 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];

(j) 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/-
27/07/2020

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,
MANNARGUDI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR [FOR INFORMATION]

3 THE SUPERINTENDENT,
SUB-JAIL, NANNILAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KOOTHANALLUR POLICE STATION,
TIRUVARUR 614 001.TAMILNADU.

6 THE INSPECTOR OF POLICE,
TOWN POLICE STATION, THIRUVARUR.

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

CRL OP.10996/2020

Date :27/07/2020