

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.07.2020

CORAM :

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

Crl.O.P.No.11089 of 2020

Rasu

... Petitioner

Vs.

State Rep. by

The Inspector of Police,
Muthupettai Police Station,
Tiruvarur District
(Crime No.1876 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1876 of 2020, pending investigation on the file of the respondent.

For Petitioner : Mr.M.Vijayaragavan

For Respondent : Mr.T.Shunmugarajeswaran
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 28.06.2020 for the offences punishable under Section 294(b), 324, 307, 452 and 506(ii) of IPC, in Crime No.1876 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant one Sumathi is that due to previous enmity, the petitioner trespassed into the house of the defacto complainant and assaulted her and her mother, resulting in them sustaining injuries.

3.The learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant are relatives and there was a business rivalry regarding selling of cows. Hence, the petitioner was implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that due to previous enmity, the petitioner trespassed into the house of the defacto complainant and caused multiple injuries to the defacto complainant and to her mother. He would further submit that the injured have been discharged from the hospital and there are no previous cases pending against the petitioner.

5.Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels and also the period of incarceration suffered by the petitioner, 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 condition to execute 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 and thereafter on his release;

(b) Thereafter, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only), before the learned Judicial Magistrate, Thiruthuraipoondi, 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 Thiruvarur Town Police Station everyday at 10.30 a.m. until further orders. The petitioner shall not enter into the jurisdiction limits of the respondent police.

(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 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];

(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/-
31/07/2020

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,
THIRUTHURAIPOONDI.

2 THE OFFICER INCHARGE
DISTRICT JAIL, NAGAPATTINAM.

3 THE OFFICER INCHARGE
SUB JAIL, THIRUTHURAIPOONDI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MUTHUPETTAI POLICE STATION,
TIRUVARUR DISTRICT.

6 THE OFFICER INCHARGE
THIRUVARUR TOWN POLICE STATION,
THIRUVARUR.

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

CRL OP.11089/2020

Date : 31/07/2020

cs 02/09/2020