

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.08.2020

CORAM :

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

Crl.O.P.No.11719 of 2020

P.Kumaresan S/o.Late Palanisamy

... Petitioner

Vs.

State rep. By The Inspector of Police,
Alandurai Police Station
Coimbatore District
Crime No. 771/2020

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.771 of 2020 on the file of the respondent police.

For Petitioner : Mr.T.Tamilvannan

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 14.07.2020 for the offences punishable under Section 294 (b), 323, 452 and 307 IPC, in Crime No.771 of 2020, seeks bail.

2.The case of the prosecution as per the defacto complainant is that his cousin sister had come to the house of the defacto complainant due to matrimonial dispute. The petitioner went to his house and assaulted him and his brother, due to which, they sustained injuries.

3.The learned counsel appearing for the petitioner would submit that due to matrimonial dispute, a false complaint has been given. He would further submit that the injured have been discharged and the occurrence is an offshoot of a matrimonial dispute.

4.The learned Government Advocate (Crl. Side) would submit that the defacto complainant's cousin sister is married to the petitioner, due to matrimonial dispute, the petitioner entered into the house of the defacto complainant and assaulted him and his brother with a knife, thereby the victims sustained stab injuries. He would

further submit that the victims have been discharged from the hospital and there is no previous case pending against the petitioner.

5. Taking into consideration of the facts and circumstances, considering the submissions made by the learned counsels, and also considering 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) each, out of which, one surety should be a blood surety, before the learned Principal District and Sessions Judge, Coimbatore, 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 report before the respondent police daily at 10.30 a.m. and 5.30 p.m. until further orders.

(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/-
06/08/2020

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 PRINCIPAL DISTRICT AND
SESSIONS JUDGE, COIMBATORE

2 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALANDURAI POLICE STATION
COIMBATORE DISTRICT

+1 CC to M/S. T.TAMILVANNAN Advocate on payment of necessary
charges sr 5872

CRL OP.11719/2020

Date : 06/08/2020

RD 12/08/2020

WEB COPY