

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.08.2020

CORAM :

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

Crl.O.P.No.12272 of 2020

Mathiyalagan

... Petitioner

Vs.

State of Tamil Nadu
rep. by Inspector of Police
Thiruthuraipoondi Police Station
Tiruvarur District
(Crime No.2063 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.2063 of 2020, on the file of the respondent police.

For Petitioner : Mr.N.Palanivel

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

ORDER

(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) and 307 IPC, in Crime No.2063 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant one Palanisamy is that due to political rivalry, the petitioner along with other accused had assaulted him with iron rod.

3.The learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant are relatives and that due to political rivalry, a false complaint has been given against him. He would further submit that the petitioner was arrested on 14.07.2020 and the major part of the investigation is over.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner and the defacto complainant are relatives, however, there was a dispute on account of political rivalry, due to which, the petitioner along with other accused had assaulted the

defacto complainant with iron rod, resulting in him sustaining injuries. He would further submit that the injured has been discharged and a charge sheet has been filed before the concerned Court on 24.07.2020.

5. Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels, 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) the petitioner shall execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each**, 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 Aadhaar card or Bank pass Book to ensure their identity;

(d) **the petitioner shall stay at Nagapattinam and report before the Nagapattinam Town Police Station everyday at 10.30 a.m. until further orders. The petitioner shall not visit the jurisdictional 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/-
14/08/2020

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 JUDICIAL MAGISTRATE
THIRUTHURAIPOONDI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUTHURAIPOONDI POLICE STATION,
THIRUVARUR DISTRICT.

5 THE OFFICER INCHARGE
DISTRICT PRISON, NAGAPATTINAM

6 THE OFFICER INCHARGE,
NAGAPATTINAM TOWN POLICE STATION,
NAGAPATTINAM.

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

CRL OP.12272/2020

Date :14/08/2020

TA-08/09/2020

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