

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.08.2020

CORAM :

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

Crl.O.P.No.12107 of 2020

Prabakaran

... Petitioner

Vs.

State by:

... Respondent

The Inspector of Police
Bargur Police Station
Krishnagiri District
(Crime No.585 of 2020)

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.585 of 2020 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.M.Jayachandran

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 06.06.2020 for the offences punishable under Section 147, 148, 294(b), 341, 342, 323, 324, 307, 302 IPC, in Crime No.585 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are the adjacent land owners. Due to shifting of stones from the boundary, there was a dispute among them. On 02.06.2020 there was a quarrel during which, the petitioner along with his sons assaulted the father of the defacto complainant with deadly weapons, due to which, the victim died on the same spot. Based on the complaint given by the defacto complainant, a case was registered.

3.The learned counsel for the petitioner would submit that the petitioner and the defacto complainant's father are the adjacent land owners and on the date of occurrence the petitioner along with his sons went to the field, there was a quarrel between the family

members of the defacto complainant and the family members of the petitioner, thereby, the family members of the defacto complainant assaulted the petitioner, resulting in him sustaining serious injuries. In defence, the petitioner along with his family members attacked the defacto complainant's father and there was no premeditation. He would further submit that it is a case and a counter case, the counter case has been registered in Crime No.588 of 2020.

4.The learned Government Advocate (Crl. Side) would submit that the petitioner and the defacto complainant's family are adjacent land owners. On 02.06.2020, due to shifting of boundary stones, the petitioner along with his family members had assaulted the father of the defacto complainant and her relatives resulting in him sustaining injuries and the deceased died on the same day. The specific overt act against this petitioner is he has caused fatal injury. Investigation is pending.

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 condition:

(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 No.I, Krishnagiri, **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 in Krishnagiri and report before the Krishnagiri Town Police Station every day at 10.30 a.m. and 5.30 p.m. until further orders. The petitioner shall not enter the jurisdictional limits of 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/-

13/08/2020

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,
NO.I, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE OFFICER INCHARGE,
KRISHNAGIRI TOWN POLICE STATION,
KRISHNAGIRI.

6 THE OFFICER INCHARGE,
SUB JAIL, KRISHNAGIRI.

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

CRL OP.12107/2020

Date :13/08/2020