

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 12840 of 2020

Baby Sheela, 54 years, (A2),
W/o.Arunagiri,
28/39, East Street,
Jhonsonpet,
Salem District.

... Petitioner/2nd Accused

Vs.

The State represented by,
The Inspector of Police,
Hasthampatty Police Station,
Salem District.

(Crime No. 704 of 2020) ... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in connection with Crime No.704 of 2020, pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Sankarasubbu

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 18.07.2020 for the offences punishable under Sections 294 (b), 324, 506(2) and 307 of IPC in Crime No. 704 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant viz., Subramani is that since the son of the defacto complainant got married to the daughter of the accused against their wish, the accused came to his house and attacked him with a wooden log and thereby, the defacto complainant has sustained injuries. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and since the son of the defacto complainant has married accused daughter, a false complaint has been given against him. He would submit that since, as per the allegation the injured has been discharged from the hospital. Hence, he prays to grant of bail to the petitioner.

4 The learned Government Advocate appearing for the respondent would submit that since the son of the defacto complainant eloped with the daughter of the petitioner, the petitioner has gone to the house of the defacto complainant and assaulted him with the wooden log. He would submit that the injured has been discharged from the hospital. He would further submit that there is no previous case pending against the petitioner. However, he opposed to grant bail to the petitioner.

5 Taking into consideration of the facts and circumstance of this case and also considering the fact that the petitioner is in jail from 18.07.2020, 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), before the Superintendent of the concerned prison, in which the Petitioner has been confined and thereafter on his release;

(b) the petitioner shall within 15 days from the date of lifting of the lock down or the commencement of the Court's normal functioning or whichever ever is earlier and execute two sureties, each for a sum of Rs.10,000/- (Rupees Ten Thousand only), before the learned Judicial Magistrate No.III, Salem, 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 everyday at 10.30 a.m. for a period of two weeks and thereafter on every Monday at 10.30 a.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 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];

(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/-
24/08/2020

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.II, SALEM

2 THE OFFICER INCHARGE
SUB-JAIL, FOR WOMEN, SALEM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
HASTHAMPATTY POLICE STATION,
SALEM DISTRICT.

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

सत्यमेव जयते

CRL OP.12840/2020

Date :24/08/2020

RD 04/09/2020

WEB COPY