

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2020

CORAM :

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

Crl.O.P.No.12805 of 2020

1.Balachandran
S/o.Selvaraj

2.Palraj
S/o.Selvaraj

... petitioners

Vs.

State; Rep by
The Inspector of Police
Mayiladuthurai Police Station
Nagapattinam District
(Crime No.1141 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.1141 of 2020 on the file of the Mayiladuthurai Police Station, Nagapattinam District.

For Petitioners : Mr.M.R.Senthilkumar

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

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 20.07.2020 for the offences punishable under Section 294 (b), 324, 307 and 506(ii) IPC, Crime No.1141 of 2020, seek bail.

2.The case of the prosecution as per the defacto complainant is that his sister Kanushiya was married to the elder brother of the accused persons and her husband had committed suicide due to family problem. Thereafter, she was living separately with her child. On the date of occurrence, due to wordy quarrel, the petitioners have gone to the place of the victim and assaulted her.

3.The learned counsel appearing for the petitioners would submit that the victim is the sister in law of the petitioners, who was married to their elder brother. The petitioners' brother earlier committed suicide suspecting illicit intimacy of the victim. Thereafter the defacto complainant's sister was living separately with her child. When the petitioners questioned their sister in law

about her illicit affair, there was a quarrel, due to which, a false complaint has been given against the petitioners as if they have assaulted her. He would further submit that the injured has been discharged from the hospital.

4.The learned Government Advocate (Crl. Side) would submit that the petitioners have assaulted the victim who is their sister in law. He would further submit that the injured has been discharged from the hospital.

5.Taking into consideration of the facts and circumstances and also considering the submissions made by the learned counsels, and also considering the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute their own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison, in which the petitioners have been confined and thereafter on their release;

(b) the petitioners shall within a period of two weeks after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, and execute two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the learned Judicial Magistrate No.1, Mayiladuthurai, 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 petitioners on their release from prison, shall report before the respondent police everyday at 10:30 a.m until further orders.

(f) the petitioners shall not commit any offences of similar nature;

(g) the petitioners shall not abscond either during investigation or trial;

(h) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(i) 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];

(j) 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/-
21/08/2020

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, MAYILADUTHURAI

2 THE OFFICER INCHARGE
SUB-JAIL, NAGAPATTINAM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
MAYILADUTHURAI POLICE STATION,
NAGAPATTINAM DISTRICT.

CC to R.SENTHILKUMAR Advocate on payment of necessary charges

CRL OP.12805/2020

Date :21/08/2020

RD 04/09/2020

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