

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.08.2020

CORAM :

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

Crl.O.P.No.13122 of 2020

Lakshmanan

... Petitioner

Vs.

State rep by the Inspector of Police
Hosur Town Police Station
Krishnagiri District
(Crime No.814 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.814 of 2020 pending on the file of the Respondent.

For Petitioner : Mr.E.Kannadasan

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 01.08.2020, for the offences punishable under Section 307 IPC, in Crime No.814 of 2020, seeks bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are brothers. Due to bore well and land dispute, there was previous enmity between them while so on 30.07.2020 at about 09.30 p.m. the petitioner along with two persons had come in a red colour car scolded the defacto complainant's son in filthy language and assaulted him with knife.

3.The learned counsel appearing for the petitioner would submit that the petitioner was working in the border security force and due to his ailment he got voluntary retirement from his service and settled at Avadi, Chennai and he got property by way of partition, hence, he frequently went to his village for visiting his land and whenever he went to his land the defacto complainant asked money repeatedly and when he stopped to give money to him, the defacto complainant developed vengeance and a false case has been foisted against him. He would further submit that the defacto complaint's son has two previous cases to his credit.

4.The learned Government Advocate (CrI. Side) would submit that due to borewell dispute, the petitioner along with other accused had assaulted the son of the defacto complainant with knife and scolded him in filthy language. He would further submit that the co-accused in this case has been enlarged on bail in CrI.O.P.No.12788 of 2020 dated 21.08.2020.

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) the petitioner 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, out of which, one surety should be a blood surety, before the learned Judicial Magistrate No.II, Hosur, 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 on his release from prison, shall stay at Uthangarai and report before the Uthangarai police everyday 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/-
27/08/2020

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, HOSUR.

2 THE OFFICER INCHARGE
SUB JAIL, HOSUR.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
HOSUR TOWN POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE OFFICER INCHARGE
UTHANGARAI POLICE STATION,
UTHANGARAI.

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

WEB COPY

CRL OP.13122/2020

Date :27/08/2020

cs 08/09/2020