



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.09.2020

CORAM :

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

Cr1.O.P.No.13585 of 2020

Kaliyappan

... Petitioner

Vs.

State
By
The Inspector of Police
Anchetty Police Station
Krishnagiri District
(Crime No.201 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail as against the case pending on the file of the respondent police in Crime No.201 of 2020.

For Petitioner : Mr. M. P. Saravanan

For Respondent : Mr.Shunmugarajeswaran
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 08.08.2020 for the offence punishable under **Sections 294 (b), 323, 324, 332, 506(ii) and Section 307 IPC, in Crime No.201 of 2020**, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant one Sakthivel, Forest watcher is that while he was on his usual patrol rounds, found that the petitioner along with other accused were cutting trees in the forest area and when the same was questioned by him, they have assaulted him with machete and ran away from the scene of occurrence.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in custody from 08.08.2020. He would further submit that the victim has been discharged from the hospital.



4.The learned Government Advocate (Criminal Side) would submit that the petitioner along with other accused was found to be cutting the trees in the forest area and when the defacto complainant, who is the forest watcher, questioned them, the accused have assaulted him with a machete. He would further submit that the injured has been discharged from the hospital and there is no previous case against the petitioner.

5.Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and also considering the period of incarceration by the petitioner from 08.08.2020, 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 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;

(b) the petitioner shall **within a period of two weeks from the date of commencement of the Court's normal functioning,** execute **two sureties for a sum of Rs.10,000/- (Rupees ten thousand only) each,** for a likesum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Denkanikottai,** 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 report before the respondent police daily 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 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/-
08/09/2020

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
DENKANIKOTTAI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

5 THE OFFICER INCHARGE,
SUB JAIL, HOSUR.

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

CRL OP.13585/2020

Date :08/09/2020

TA-11/09/2020