

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.09.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.14722 of 2020

Velu

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Vengal Police Station,
Thiruvallur District.
Crime No.1963 of 2020

... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with the case in Crime No.1963 of 2020 on the file of the respondent police.

For Petitioners : Mr.R.Sasikumar

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 19.08.2020 for the offences punishable under Sections 147, 294(b), 306 of IPC r/w. 116 of IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act altered into under Sections 147, 294(b), 306 IPC read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998, in Crime No.1963 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant Senthil kumar is that on 13.08.2020 in respect of encroachment of a common burial ground that there was a dispute between the villagers and one Murali(A1). While so, on 18.08.2020 around 4.00 p.m., the defacto complainant's wife had gone to the grocery shop at that time, the said Murali along with his mother and wife who

is a Panchayat president along with his sister and others have abused the defacto complainant with filthy language and also abetted her to commit suicide due to which, the wife of the defacto complainant had attempted to commit suicide by hanging herself in her brother's house. Thereafter, she was taken to the hospital and she was admitted in the Stanley hospital. Hence, the complaint was registered.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case due to previous enmity. He would further submit that there was a dispute between two groups of villagers in respect of the encroachment in a burial ground and two cases in Crime Nos.1944 of 2020 and 1945 of 2020 have been registered by the respondent police. While so, the wife of the defacto complainant attempted to commit suicide at her brother's house for the reasons best known to her. Taking advantage of the situation, the defacto complainant in order to harass the entire family members has given a false case as if the petitioner has abused the defacto complainant's wife and abetted her to commit suicide. He would further submit that the entire case has been foisted on account of political animosity.

4. The learned Additional Public Prosecutor would submit that there was dispute between the two groups of village in respect of a burial ground and that on 18.08.2020 when the defacto complainant's wife had gone to the grocery shop, the accused had abused his wife in a filthy language and abetted her due to which the defacto complainant's wife attempted to commit suicide in her brother's house by hanging. Hence, he opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances and the submissions made by the learned counsels and considering the period of incarceration of 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 petitioners have been confined;

(b) Thereafter, the petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand Only)** with two sureties each for a like sum to the satisfaction of the **learned Judicial Magistrate No.1, Thiruvallur, within a period of two weeks from the date of commencement of the Court's normal functioning**, 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 Arakkonam and report before the Arakkonam Police Station everyday 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 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 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 abscond, a fresh FIR can be registered under Section 229A IPC.

7. With the above direction, this Criminal Original Petition is ordered.

-sd/-

21/09/2020

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 JUDICIAL MAGISTRATE NO.I,
THIRUVALLUR

2 THE OFFICER INCHARGE
SUB JAIL, POONAMALLEE

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VENGAL POLICE STATION,
THIRUVALLUR DISTRICT

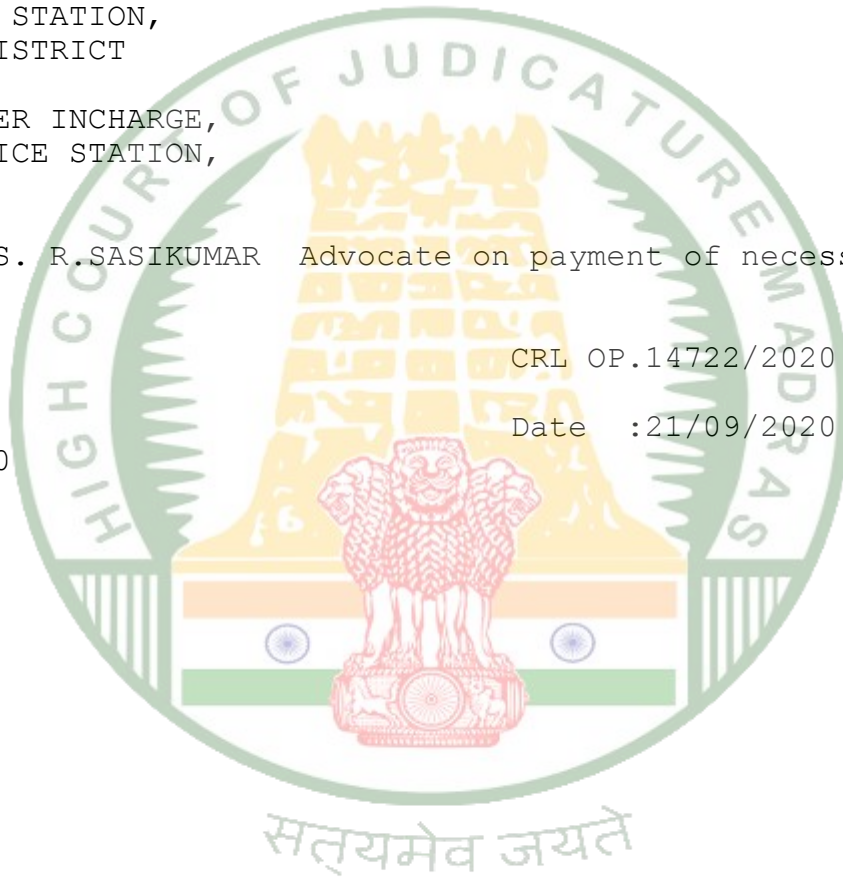
5 THE OFFICER INCHARGE,
ARAKKONAM POLICE STATION,
ARAKKONAM

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

CRL OP.14722/2020

Date :21/09/2020

GKS:23/09/2020



WEB COPY