

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 15935 of 2020

Bishnu das

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
Avinashipalayam Police Station,
Avinashipalayam, Tirupur District.
(Crime No. 1241 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 1241 of 2020, on the file of the respondent police.

For Petitioner : Mr.S.Deepika

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 30.08.2020 for the offences punishable under Section 307 of IPC in Crime No.1241 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant is that the petitioner, who is from Assam and one Sathyabamaji, who is also from Assam were working at Tiruppur. The further allegation is that the petitioner has proposed love to the victim and when it was refused by her, the petitioner had assaulted her with knife and caused injuries to her. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would submit that the petitioner and the victim hail from Assam and that there was a relationship between them. Later, the victim has refused to be friendly with the petitioner and thereby, she has given a false complaint against the petitioner as if the petitioner has assaulted her. He would submit that the petitioner has been discharged from the hospital within two days from of the date of occurrence. He would further submit that the petitioner is prepared to abide by any stringent condition that may be imposed on him by his Court and that he is ready to furnish adequate surety for his release on bail. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioner is from Assam and that he had proposed to the victim girl and when it was refused by the victim, he has assaulted the victim with knife, due to which, she has sustained injuries. He would submit that the victim has been discharged from the hospital after three days from the date of occurrence and that there is no previous case pending against the petitioner. He would further submit that the petitioner is a person from Assam and if bail is granted to him, there is every possibility of him absconding. Hence, he opposed to grant bail to the petitioner.

5 At this juncture, the learned counsel appearing for the petitioner would submit that the petitioner is prepared to furnish one local surety and one of his relative to stand as security. Hence, he prays to grant bail to the petitioner.

6 Taking into consideration of the facts and submissions made by the learned counsels and considering the fact that the petitioner is in custody from 30.08.2020, 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 a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only), with two sureties, out of the two sureties one surety should be a local surety and other surety should be a relative of the petitioner, each for a like sum to the satisfaction of the learned Judicial Magistrate, Palladam and on further conditions that:

(b) 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;

(c) the petitioner shall report before respondent police everyday at 10.30 a.m., until further orders.

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) 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.

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

-sd/-

08/10/2020

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,
PALLADAM

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
AVINASHIPALAYAM POLICE STATION,
AVINASHIPALAYAM, TIRUPUR DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

CC to M/S. S.DEEPIKA Advocate on payment of necessary charges
Sr.6713

CRL OP.15935/2020

Date : 08/10/2020

RVR 09/10/2020

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