

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 16298 of 2020

Kanagaraj

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
Kariyakoil Police Station,
Salem District.
Crime No. 103 of 2020.

.... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 103 of 2020, on the file of the respondent police.

For Petitioner : Mr.S.P.Yuaraj

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

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 07.09.2020 for the offences punishable under Sections 294(b), 307 & 506(ii) of IPC in Crime No. 103 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant is that there was a land dispute between the petitioner and the defacto complainant. Whiles, on 06.09.2020, the petitioner had assaulted the defacto complainant with stone on her cheek, due to which, she has sustained injuries. 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 during the

her cheek and that now the complaint has been given against the petitioner as if the petitioner had assaulted the defacto complainant with stones. He would further submit that the injured has been discharged from the hospital and that there is no previous case pending against him. Hence, he prays to grant bail to the petitioner.

4 The learned Government Advocate (Crl.Side) appearing for the respondent would submit that petitioner and the defacto complainant are neighbours and that there was a land dispute between them, due to which, the petitioner had assaulted the defacto complainant and thereby, the defacto complainant had sustained injuries on her cheek. He would further submit that the injured has been discharged from the hospital and that there is no previous case pending against him. However, he opposed to grant bail to the petitioner.

5 Taking into consideration the facts and submissions made by the learned counsels and the petitioner is in judicial custody from 07.09.2020, 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.10,000/- (Rupees Ten Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I. Attur 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 stay at Salem and report before the Salem Town Police Station everyday at 10.30 a.m., for a period of three weeks and thereafter report before the respondent police every day 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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
13/10/2020

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 NO.I
ATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE NSPECTOR OF POLICE,
KARIYAKOIL POLICE STATION,
SALEM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

6 THE OFFICER INCHARGE,
SALEM TOWN POLICE STATION,
SALEM.

+1 CC to M/S.S.P.YUARAJ Advocate on payment of necessary charges SR.NO.6814

WEB COPY

CRL OP.16298/2020

Date :13/10/2020

TA-14/10/2020