

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. 16242 of 2020

K.Murugesan

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
Anupparapalayam Police Station,
Tiruppur.
(Crime No. 3349 of 2020)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 3349 of 2020, on the file of the respondent police.

For Petitioner : Mr.J.Franklin

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 17.09.2020 for the offences punishable under Sections 294(b), 307 of IPC in Crime No. 3349 of 2020 on the file of the respondent police, seeks bail.

2 The case of the prosecution as per the defacto complainant viz., Krishanaveni is that there was a matrimonial dispute between herself and her husband/petitioner. Whiles, on 17.09.2020, the defacto complainant's husband has assaulted her with knife and thereby, she had sustained injuries in her hand. 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 there was a matrimonial dispute between the petitioner and the defacto complainant and that a false complaint has been given against the petitioner. He would submit that the injured has been discharged from the hospital. 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 the husband of the defacto complainant and that during a quarrel, the petitioner had assaulted his wife with the knife, due to which, she has sustained injuries on her right hand and stomach. He would further submit that the injured has been discharged from the hospital and that there is no previous case pending against the petitioner. 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 17.09.2020, 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.III, Tiruppur 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 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.III, TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE OFFICER INCHARGE
SUB JAIL, TIRUPPUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
ANUPPARAPALAYAM POLICE STATION,
TIRUPPUR.

CC to M/S.J.FRANKLIN Advocate on payment of necessary charges

CRL OP.16242/2020

Date :13/10/2020

cs 14/10/2020