

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.11.2020

CORAM :

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

CRL.O.P.No.17255 of 2020

GOVINDAN

... Petitioner

Vs.

State, rep.by

The Inspector of Police,
GURUBARAPALLI Police Station,
Krishnagiri District.
(Crime No.781 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.781 of 2020 pending investigation on the file of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

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

O R D E R

(The cases have 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 294(b) & 307 of IPC in Crime No.781 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz. Lakshmi is that due to land dispute, the petitioner, who is her own brother had assaulted her with machete, causing grievous injuries on the left hand fingers and right side shoulders.

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 due to land dispute, a false complaint has been given against the petitioner. He would further submit that the victim is his own sister and she has been discharged from the hospital and that the settlement talks are going on between the family members. He would further submit that the petitioner was arrested on 30.08.2020 and he is in judicial custody for more than two months

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the petitioner is the own brother of the defacto complainant and due to land dispute, the petitioner had assaulted her with machete indiscriminately, due to which, she has been sustained grievous injuries. He would further submit that the injured has been discharged from the hospital and she is still taking treatment as out patient.

5.Heard the learned Counsel on either side. Perused the F.I.R. and also the other materials placed on record.

6.Taking into consideration of the facts and submissions made by the learned counsels and also taking into consideration of the period of incarceration suffered by 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 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 Additional Mahila Court Judicial Magistrate Level, Krishnagiri, 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 on his release from prison shall stay at Chennai and report before the North Beach Police Station everyday at 10.30 a.m. until further orders. The petitioner shall not enter into the jurisdictional limits of the respondent police.

(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;

(g) 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];

(h) 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/-

04/11/2020

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 ADDITIONAL DISTRICT COURT
JUDICIAL MAGISTRATE LEVEL,
KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
GURUBARAPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.

6 THE OFFICER INCHARGE,
NORTH BEACH POLICE STATION,
CHENNAI.

+1CC to M/S. W.CAMYLES GANDHI Advocate on payment of
necessary charges SR NO.7249

CRL OP.17255/2020

Date :04/11/2020

MK:05/11/2020