

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No. 17563 of 2020

Bharathi

... Petitioner

Vs.

The State represented by, ... Respondent/Complainant
Station House Officer,
Neyveli Township Police Station,
Cuddalore District.
(Crime No.1060 of 2020)

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.1060 of 2020, on the file of the respondent police.

For Petitioner : Mr.Devaraju

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 18.10.2020 for the offences punishable under Sections 341, 363, 294(b), 323, 324, 506(ii) and 307 IPC, in Crime No.1060 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defcato complainant viz. Usha is that due to previous enmity on 16.10.2020 while her son Jyasurya was returning home from his work, the petitioner along with his friends waylaid him, threatened and taken him to the graveyard and assaulted him with hands and also removed his dresses and asked him to bow down and threatened him with knife and also assaulted him, due to which, he sustained simple injuries and later chased him away.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is having two

previous cases and that the petitioner was unnecessarily troubled by the earlier respondent Inspector viz. Arumugam, who called him frequently to the police station and harassed him. On the particular day, the petitioner had gone to the police station along with the local lawyer and there was a dispute between the lawyer and the earlier Inspector Arumugam, in order to take vengeance, the said Inspector used the defacto complainant to foist a case against the petitioner, as the defacto complainant was already having enmity with the petitioner on account of Election rivalry, thereby, a false complaint has been given. He would further submit that even as per F.I.R. the injuries stated to be sustained by the victim are simple in nature and the victim was taking treatment in a hospital which is 15 Km away.

4.The learned Government Advocate (Crl. Side) would vehemently oppose stating that the petitioner is stated to have taken the son of the defacto complainant to a graveyard, stripped, assaulted, abused and threatened him with knife. He would further submit that the petitioner is having two previous cases against him.

5.Heard the learned counsel on either side. Perused both the F.I.Rs.

6.Taking into consideration of the facts and submissions and also considering 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 **learned District Munsif cum Judicial Magistrate, Neyveli**, 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 report before the 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;

(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/-
20/11/2020

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE
NEYVELI.

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE JAILER,
SUB-JAIL, VILLUPURAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE STATION HOUSE OFFICER,
NEYVELI TOWNSHIP POLICE STATION,
CUDDALORE DISTRICT.

+1 CC to M/S DEVARAJU Advocate on payment of necessary charges
SR.NO.7705

CRL OP.17563/2020

Date :20/11/2020

TA-23/11/2020

<https://hcservices.ecourts.gov.in/hcservices/>