

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.11.2020

CORAM :

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

CRL.O.P.No.17777 of 2020

1.Thirunavukkarasu
2.Dharanivasan

... Petitioners

Vs.

The State Rep.by
Inspector of Police,
Vettavalam Police Station,
Tiruvannamalai District.
(Crime No.2552 of 2020)

.... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.2552 of 2020 on the file of the respondent Police.

For Petitioners : Mr.B.Sundarapandiyan

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

O R D E R

(The cases have been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 03.10.2020 for the offences punishable under Sections 294(b), 323, 324 and 307 of I.P.C, in Crime No.2552 of 2020 on the file of the respondent police, seek bail.

2.The case of the prosecution as per the defacto complainant viz. Kathirvel is that his daughter Chandralekha was married to the 1st petitioner before three years and that they did not have any children. The further allegation is that the 1st petitioner suspected the daughter of the defacto complainant and committed cruelty on her and dropped his daughter at his house. While so, on 02.10.2020 the 1st petitioner along with his relatives had gone to the house of the defacto complainant and assaulted him and his wife with iron rod and wooden logs and caused injuries.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the daughter of the defacto complainant was married to the 1st petitioner and she was having wayward behaviour and left the

matrimonial house. While so, the defacto complainant called the 1st petitioner and his family members for settlement talks, at that time, there was a quarrel, during the quarrel, the defacto complainant assaulted the 1st petitioner and his family members. He would also submit that a complaint has been given against the defacto complainant, which has been registered in Crime No.2554 of 2020. He would further submit that the injured have been discharged from the hospital.

4.The learned Government Advocate (Crl. Side) would vehemently oppose stating that the 1st petitioner is the son in law of the defacto complainant, due to matrimonial dispute, the 1st petitioner along with his family members went to the house of the defacto complainant and assaulted him and his wife with iron rods and wooden logs, due to which, they sustained injuries. He would further submit that it is a case in counter and Crime No.2554 of 2020 has been registered against the defacto complainant and the investigation is pending.

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

6.Taking into consideration of the facts and circumstances, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate-II, Tiruvannamalai, 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 petitioners, on their release from prison, shall report before the respondent police everyday at 10.30 a.m. for a period of two weeks and thereafter on every Monday at 10.30 a.m. until further orders.

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

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

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

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

-sd/-
18/11/2020

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 JUDICIAL MAGISTRATE NO.II,
TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
VETTAVALAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

+1CC to B.SUNDARAPANDIYAN Advocate on payment of necessary charges SR NO.7638

CRL OP.17777/2020

Date :18/11/2020

MK:19/11/2020

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