

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.12.2020

CORAM :

THE HON'BLE Mr. JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.18027 of 2020

Ravichandran

... Petitioner

-Vs.-

STATE BY

... Respondent

Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.
(Crime No.1271 of 2020)

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.1271 of 2020 on the file of the respondent police.

For Petitioner : Mr.R.Thirumoorthy

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 17.10.2020 for the offence punishable under Section 307 of IPC in Crime No.1271 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the defacto complainant viz., Thaseen is that one Kadhar Basha, who is the husband of the defacto complainant, was doing business of selling sweater. On 11.10.2020, while purchasing woolen blanket, there was a quarrel between the petitioner and the husband of the defacto complainant, due to which, the petitioner poured petrol on the husband of the defacto complainant. Therefore, the husband of the defacto complainant sustained burn injury and he was admitted in hospital. 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 further submit that due to wordy quarrel while purchasing woolen blanket, the petitioner and others alleged to have been poured petrol on the husband of the defacto complainant. He would submit that the petitioner name is not

mentioned in the FIR. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that on 11.10.2020, while purchasing woolen blanket, there was a quarrel between the petitioner and the husband of the defacto complainant, due to which, the petitioner poured petrol on the husband of the defacto complainant. Therefore, the husband of the defacto complainant sustained burn injury and he was admitted in hospital. Hence, he opposed for grant of bail to the petitioner.

5. Taking into consideration the facts and submissions made by the learned counsel 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 directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of Crime No.1271 of 2020 and on such deposit, 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 Court of Judicial Magistrate No.I, Krishnagiri, and on further conditions that:

(b) Merely, because the petitioner deposits the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

(c) 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;

(d) the petitioner shall report before the respondent police everyday at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

(e) The learned Judicial Magistrate No.I, Krishnagiri shall handover the said deposited amount of Rs.50,000/- to the defacto complainant with proper acknowledgment, authorization and identification.

(f) the petitioner shall not commit any offences of similar nature;

(g) the petitioner shall not abscond either during investigation or trial;

(h) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(i) on breach of any of the aforesaid conditions, the 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];

(j) 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/-

03/12/2020

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,
KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE,
KRISHNAGIRI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KRISHNAGIRI TOWN POLICE STATION,
KRISHNAGIRI.

5 THE OFFICER INCHARGE,
SUB-JAIL, KRISHNAGIRI.

CC to M/S. R.THIRUMOORTHY Advocate on payment of necessary charges

CRL OP.18027/2020

Date :03/12/2020

MN-08/12/2020

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