

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.11.2020

CORAM :

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

CRL.O.P.No.18122 of 2020

Vijayashangar

... Petitioner

Vs.

State rep by

The Inspector of Police,
E-1, Singanallur Police Station,
Coimbatore District.
(Crime No.1966 of 2020)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail concerned in Crime No.1966 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.S.N.Arunkumar

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 30.10.2020 for the offences punishable under Section 75(1)(c) of TNCP Act and Section 324, 307, 506(ii) of IPC, in Crime No.1966 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant viz., Ranjitha is that her husband is an alcoholic and thereby she had left her matrimonial home and she was living with her parents. While so, on 30.10.2020 at about 01.30 a.m., the petitioner her husband had come to her parents home in an inebriated condition and abused her in filthy language and also assaulted her and her brother with knife. Thereby, the defacto complainant and her brother sustained injuries.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the petitioner is the husband of the defacto complainant and a matrimonial dispute has been exaggerated and that the petitioner

has been suffering incarceration from 30.10.2020 and that the injured have 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 due to matrimonial dispute, the petitioner had assaulted his wife and her brother with knife due to which, they sustained injuries. He would further submit that the injured have 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.Heard both the learned counsels and perused the materials placed on record.

6.Taking into consideration the facts and circumstances of the case and considering the submissions made by the learned counsels and considering the period of incarceration suffered by the petitioner from 30.10.2020, 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, Coimbatore 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;

(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 abscond, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
19/11/2020

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.III,
COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
E-1, SINGANAILLUR POLICE STATION,
COIMBATORE DISTRICT.

+1CC to M/S.S.N.ARUNKUMAR Advocate on payment of necessary charges SR NO.7667

CRL OP.18122/2020

Date :19/11/2020

MK:20/11/2020

WEB COPY