

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.18704 of 2020

Jayaganesh @ Jaiganesh

... Petitioner / Accused

Vs.

The State Represented by its
Inspector of Police,
Roshanai Police Station
Tindivanam, Villupuram District
Crime No.1870 of 2020

.... Respondent

Prayer: Criminal Original Petitions are filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No.1870 of 2020 on the file of the respondent police.

For Petitioner : Mr.P.Murali

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

ORDER

(These cases have been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 11.11.2020 for the offences punishable under Sections 294(b), 324, 307 IPC in Crime No.1870 of 2020, on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant Soumya is that due to previous enmity, the petitioner along with one Kathirvel, Chandru, on the instigation of one Kanchana, assaulted the defacto complainant, her husband and brother-in-law with iron rod, knife and machete due to which, they 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 due to previous enmity. He would submit that even as per the defacto complainant, there was an illegal intimacy between the first accused and one Kanchana, and that a false complaint has been given against the petitioner and he has been suffering incarceration for more than a month from 11.11.2020. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that due to previous enmity, the petitioner along with three other accused, assaulted the defacto complainant, her husband and brother-in-law due to which,

they sustained injuries. He would further submit that the injured have been discharged from the hospital and there is no previous case against the petitioner. However, the other accused are still absconding.

5. Taking into consideration of the facts and submissions made by the learned counsels and the fact that the injured have been discharged from the hospital and there is no previous case against the petitioner and also considering the period of incarceration suffered by the petitioner from 11.11.2020, 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-I, Tindivanam, 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 Vellore and report before the Sathuvachary Police Station, everyday at 10.30 a.m. until further orders. The petitioner shall not enter into the jurisdictional limits of the respondent police 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.

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

-sd/-

14/12/2020

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, TINDIVANAM

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ROSHANAI POLICE STATION,
TINDIVANAM,VILLUPURAM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

6 THE OFFICER INCHARGE
DISTRICT JAIL, VILLUPURAM

7 THE OFFICER INCHARGE,
SATHUVACHARY POLICE STATION,
VELLORE.

+2 CC to M/S.P.MURALI Advocate on payment of necessary charges
Sr.Nos.8199 & 8204

WEB COPY

CRL OP.18704/2020

Date :14/12/2020

RVR 15/12/2020