

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.12.2020

CORAM :

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

CRL.O.P.No.19453 of 2020

R.Selvakumar

... Petitioner

Vs.

State Rep. By
The Inspector of Police
Chengalpattu Town Police Station
Kancheepuram
(Crime No.3913 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.3913 of 2020 on the file of the respondent.

For Petitioner : Mr.K.Thenrajan

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 01.10.2020 for the offence punishable under **Sections 294(b), 307 IPC read with Section 4 of TN Prohibition of Harassment of Women Act, in Crime No.3913 of 2020** on the file of the respondent police, seeks bail.

2.The case of the prosecution as per the defacto complainant is that the petitioner misbehaved with the defacto complainant who is a street beggar at night hours and when it was questioned by the husband of the defacto complainant, the petitioner assaulted him with iron rod and caused grievous 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 on the fateful day, the petitioner was drunk and was in inebriated condition. At that time the husband of the defacto complainant who is a street beggar had quarreled with the petitioner and thereafter, lodged a false

complaint as if, the petitioner misbehaved with his wife. He would further submit that the petitioner was arrested on 01.10.2020 and he has been suffering incarceration for more than 60 days. Hence, he prays for grant of bail.

4.The learned Government Advocate (Cl.Side) appearing for the respondent would vehemently oppose stating that the petitioner misbehaved with the defacto complainant who is a street beggar and when it was questioned by her husband, he caused grievous injuries to him by assaulting him with iron rod. He would further submit that the injured has been discharged from the hospital and there is no other case pending against the petitioner.

5.Taking into consideration of the facts and submissions made by the learned counsels and the fact that the injured has been discharged from the hospital 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 Judicial Magistrate-I, Chengalpattu**, 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.

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

-sd/-

09/12/2020

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-I,
CHENGALPATTU.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHENGALPATTU TOWN POLICE STATION,
KANCHEEPURAM.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL.

+1 CC to M/S.K.THENRAJAN Advocate on payment of necessary charges SR.No 8025

WEB COPY

CRL OP.19453/2020

Date :09/12/2020

MN-10/12/2020