

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.12.2020

CORAM :

THE HON'BLE Mr. JUSTICE V.SIVAGNANAM

CrI.O.P.No.20590 of 2020

Thangaraji

... Petitioner

- Vs. -

The State by
The Sub-Inspector of Police,
Thanipadi Police Station,
Thiruvannamalai District.
(Crime No.2994 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.2994 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.S.Silambuselvan

For Respondent : Mr.K.Madhan
Government Advocate (CrI. Side)

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 08.12.2020 for the offences punishable under Sections 294 (b), 323,324,506(ii),307 of the Indian Penal Code, 1860, in Crime No.2994 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there is a previous enmity between the defacto complainant and the petitioner regarding land dispute. Due to which, there was a wordy quarrel between them on 07.12.2020. The petitioner had assaulted the defacto complainant with wooden stick on left side hand and left side leg and further the petitioner caused injury by using aruval on the head of the defacto complainant. Hence, the complaint.

3. The learned counsel for the Petitioner would submit that the petitioner is an innocent and the false case has been registered by the defacto complainant against the petitioner only to harass him. Hence, he prays to grant of bail to the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>
4.The learned Government Advocate (CrI. Side) appearing for the respondent would submit that due to land dispute, the

petitioner has attacked the defacto complainant with wooden stick and aruval. For which, the defacto complainant sustained injuries on his head, left side hand and left leg. Thereafter, he admitted in the hospital. The victim has been discharged from the hospital. The learned Government Advocate would further submit that there is no previous case pending against the petitioner. Hence, he vehemently opposed to grant of bail to the petitioner.

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

6. Overall consideration of the facts, the nature of accusation, the nature of offences, the materials in support of the accusation and the circumstances of the case and the period of detention of the petitioner in the judicial custody, 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.25,000/- (Rupees Twenty Five Thousand only), with two sureties each for a like sum to the satisfaction of the learned **Judicial Magistrate, Thandrampet** 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.

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

-sd/-
30/12/2020

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,
THANDRAMPET.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
THANIPADI POLICE STATION,
THIRUVANNAMALAI.

5 THE OFFICER INCHARGE,
SUB JAIL, CHENGAM,
THIRUVANNAMALAI.

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

CRL OP.20590/2020

Date :30/12/2020

MN-31/12/2020