

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.12.2020

CORAM :

THE HON'BLE Mr. JUSTICE V.SIVAGNANAM

Crl.O.P.No.20882 of 2020

Munusamy

... Petitioner

- Vs. -

The State by
The Inspector of Police,
Chetpet Police Station,
Thiruvannamalai.
Thiruvannamalai District.
(Crime No.2921 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.2921 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.B.Mahendra Naidu

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

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 29.11.2020 for the offences punishable under Sections 294 (b), 323, 324 and 307 of the Indian Penal Code, 1860, in Crime No.2921 of 2020 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner is husband, the victim is wife and the defacto complainant is the daughter of the petitioner and the victim. Due to misunderstanding between the petitioner and his wife, they are living separately and the victim was staying with the defacto complainant. On 29.11.2020, the petitioner went to the defacto complainant's house and quarreled with his wife and abused her and attacked her with knife. Due to which, the victim sustained injuries and admitted the hospital. 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 and he has nothing to do with the alleged offences. He would further submit that the petitioner is a Senior citizen, aged about 80 years and

prays for grant of bail. Hence, the learned counsel seeks to grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that there was a wordy quarrel between the petitioner and his wife. Due to which, the petitioner attacked the victim with knife and she sustained injuries on her cheek, stomach, left hand and left hand index finger. Thereafter, the victim has been discharged from the hospital. 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, Polur**, 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,
POLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHETPET POLICE STATION,
TIRUVANNAMALAI,
TIRUVANNAMALAI DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S.B.MAHENDRA NAIDU Advocate on payment of necessary charges SR NO 8732

WEB COPY

CRL OP.20882/2020

Date :30/12/2020

MN-30/12/2020