

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.977 of 2021

Sarathik

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Krishnagiri Town Police Station
Krishnagiri District
Crime No.1271 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.1271 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. M.Jayachandran

For Respondent : Mrs.M. Prabhavathi,
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 24.12.2020 for the offence punishable under Section 307 of IPC, in Crime No.1271 of 2020, seeks bail.

2. There are totally two accused in this case and the petitioner is A2. The allegation is that the injured person is running a textile shop and on the date of occurrence, the sister of the petitioner/ A1, went to his shop to purchase some sweaters. At that time, there was a quarrel between A1 and the injured person, due to which the petitioner and A1 are said to have attacked him and poured kerosene and set fire on him thereby he sustained burn injury. Based on the complaint given by the wife of the injured person, the crime has been registered. The petitioner was arrested on 24.12.2020.

3. The learned counsel for the petitioner would submit that when the sister of A1 went to purchase sweater from the shop of the de-facto complainant's husband, quarrel arose between the parties. He would further submit that the injured has been discharged from the hospital and the main accused/A1 has been arrested and released on bail. He would further submit that the petitioner has been in judicial custody since 24.12.2020. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor would submit that in a wordy quarrel, the petitioner and A1 poured kerosene and set fire on the de-facto complainant's husband and caused burn injuries. She would further submit that the injured has been discharged from the hospital and the investigation is also over.

5. Considered the fact that while the de-facto complainant teasing the sister of A1, occurrence had taken place and the injured has been discharged from the hospital and that the investigation has been completed and also the co-accused has been released on bail, 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 his executing 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 Judicial Magistrate No.I, Krishnagiri, 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 appear before the respondent police as and when required for interrogation.

(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/-

25/01/2021

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, KRISHNAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KRISHNAGIRI TOWN POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE OFFICER INCHARGE,
SUB JAIL, HOSUR

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

CRL OP.977/2021

Date :25/01/2021

RVR 27/01/2021

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