

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.962 of 2021

Sathish

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Shoolagiri Police Station
Krishnagiri District

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.1116 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. E.Kannadasan

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 on 27.12.2020 and remanded to judicial custody on 28.12.2020 for the offences punishable under Section 341, 294(b), 307 of IPC, in Crime No.1116 of 2020, seeks bail.

2. The petitioner is the sole accused. The allegation is that the de-facto complainant is said to have illicit contact with the petitioner's wife, due to which, there was a wordy quarrel between the parties. During that quarrel, the petitioner attacked the de-facto complainant with Aruval and caused injuries on his neck. Hence the crime has been registered. The petitioner was arrested on 27.12.2020 and remanded to judicial custody on 28.12.2020.

3. The learned counsel for the petitioner would submit that the occurrence has taken place in a wordy quarrel and the injured has been discharged from the hospital. He would further submit that the petitioner has been in judicial custody since 28.12.2020. Hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor would submit that in a wordy quarrel between the parties, occurrence has taken place and the injured has been discharged from the hospital. Investigation almost completed.

5. Considered the fact that the occurrence took place in a wordy quarrel between the parties and also the injured has been discharged from the hospital and investigation almost completed, 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, Hosur, 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,
HOSUR.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, KRISHNAGIRI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
SHOOLAGIRI POLICE STATION,
KRISHNAGIRI DISTRICT.

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

सत्यमेव जयते

CRL OP.962/2021

Date :25/01/2021

MK:27/01/2021

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