

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.Nos.2866 & 2867 of 2021

Mathi @ Mathiyazhagan

... Petitioner
in both Crl.O.Ps

Vs.

State rep. by its
The Inspector of Police,
Kariyapattinam Police Station,
Nagapattinam Dt.

... Respondent in
both Crl.O.P.s

PRAYER in Crl.O.P.No.2866 of 2021: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.667 of 2020 on the file of respondent police.

PRAYER in Crl.O.P.No.2867 of 2021: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.666 of 2020 on the file of respondent police.

For Petitioner : Mr.R.Muruga Bharathi
in both Crl.O.P.s

For Respondent : Mrs.M. Prabavathi,
in both Crl.O.P.s Addl. Public Prosecutor

C O M M O N O R D E R

(The case has been heard through video conference)

So far as Crl.O.P.No.2866 of 2021 is concerned, the petitioner, who was arrested and remanded to judicial custody on 23.08.2020 for the offence punishable under Sections 294(b), 386, 506(ii) of I.P.C. and 25(1) (A) of Arms Act, 1959, in Crime No.667 of 2020, seeks bail.

So far as Crl.O.P.No.2867 of 2021 is concerned, the petitioner, who was arrested and remanded to judicial custody on 23.08.2020 for the offence punishable under Sections 294(b), 386, 506(ii) of I.P.C. and 11(1)(c) Prevention of Cruelty to Animals Act, 1960 and 25(1)(A) of Arms Act, 1959, in Crime No.666 of 2020, seeks bail.

2. The case of the prosecution is that the defacto complainant and the petitioner belong to same village and the defacto complainant is running a two wheeler repair shop. On the date of occurrence, the petitioner possessing a unlicensed gun threatened the defacto complainant and he has also snatched the amount from him and shot dead a dog. Hence, a crime has been registered against the petitioner, and he was arrested and remanded to judicial custody on 23.08.2020. Now, this petition has been filed seeking for bail.

3. The learned counsel appearing for petitioner would submit that both the petitioner and the defacto complainant belong to same village and due to previous enmity, they have given a false complaint stating that the petitioner is threatening at gun point. Earlier, the petitioner was detained under Act 14 of 1984 and the same was also revoked. He would submit that he is an innocent person and he is no way connected with the offence as alleged in the complaint. He would submit that he is in jail from 23.08.2020 for more than four months. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that both the petitioner and the defacto complainant belong to same village. She would submit that the petitioner is an habitual offender and he is possessing an unlicensed gun and threatened the villagers. She would submit that another criminal case has also been registered against him for the similar offence. She would submit that the investigation is almost completed. However, she opposed to grant bail to the petitioner.

5. Taking into consideration of the fact that both the petitioner and the defacto complainant belong to same village, since there was a wordy quarrel, the occurrence was taken place, the detention order passed against the petitioner was also revoked and also considering the period of incarceration suffered by the petitioner from 23.08.2020 for more than four months, 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 District Munsif cum Judicial Magistrate, Vedaranyam, Nagapattinam District, 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 daily 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 is ordered.

-sd/-
02/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

सत्यमेव जयते
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VEDARANYAM,
NAGAPATTINAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPALLI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

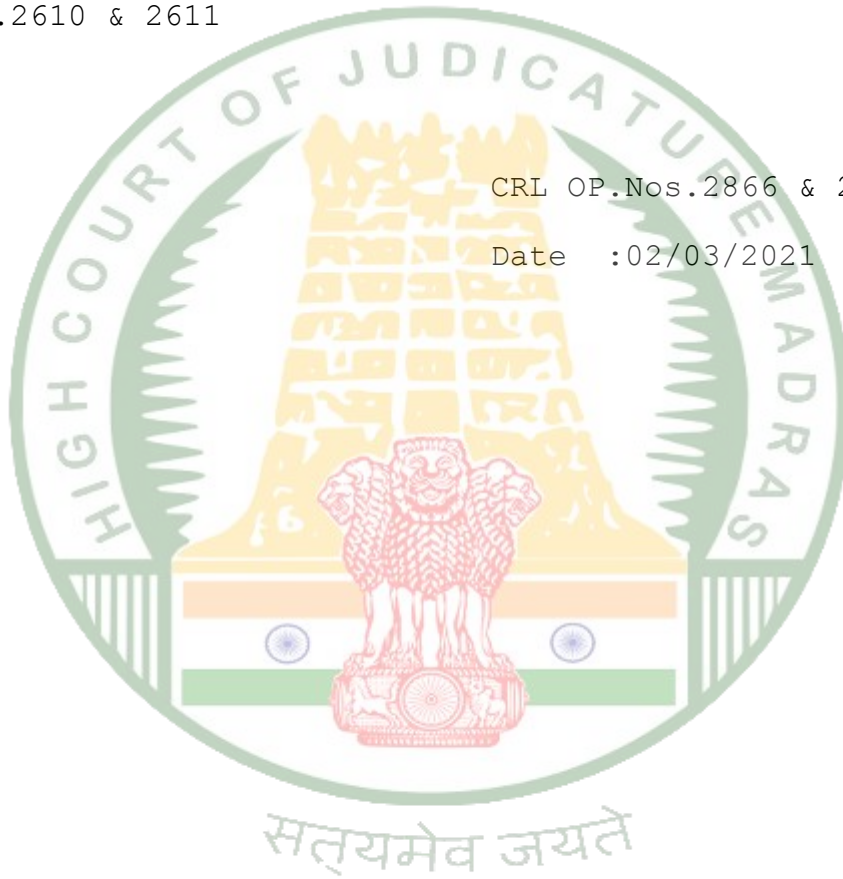
5 THE INSPECTOR OF POLICE,
KARIYAMPATTINAM POLICE STATION,
NAGAPATTINAM DISTRICT.

+2 CC to M/S. R.MURUGA BHARATHI Advocate on payment of necessary
charges SR.Nos.2610 & 2611

CRL OP.Nos.2866 & 2867/2021

Date :02/03/2021

cs 03/03/2021



WEB COPY