

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.1898 of 2021

Bhakkiyaraj @ Murugan

... Petitioner

Vs.

State Rep. by
Inspector of Police,
Veraiyur Police Station,
Tiruvannamalai District.
(Crime No.4 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.4 of 2021, on the file of the Respondent Police.

For Petitioner : Mr.V.Prakash Babu

For Respondent : Mr.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 05.01.2021 for the offence punishable under Sections 294 (b), 324, 307 IPC in Crime No.4 of 2021, seeks bail.

2. The petitioner is the sole accused in this case. The case of the prosecution is that the petitioner and the defacto complainant are neighbours, and due to wordy quarrel, the petitioner said to have attacked the defacto complainant with iron rod and caused injury to her. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He would further submit that injured has been discharged from the hospital. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner attacked the defaco complainant, who is his neighbour, with iron road, and caused injuries on his head. She would further submit that now injured has been discharged from the hospital. However, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and the fact that injured has been discharged from the hospital and also considering the period of incarceration suffered by the petitioner, 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 Judicial Magistrate-I, Tiruvaannamalai, 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 shall report before the respondent police at 10.30 a.m., for a period of two weeks and thereafter, 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.

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

-sd/-
05/02/2021

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,
TIRUVANNAMALAI.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VERAIYUR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

5 THE OFFICER INCHARGE,
SUB JAIL, POLUR.

+1 CC to M/S.V.PRAKASH BABU Advocate on payment of necessary charges SR NO. 1157

WEB COPY

CRL OP.1898/2021

Date :05/02/2021

MN-08/02/2021