

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.3215 of 2021

1. Fairoz
2. Wazim
3. Razik

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
Gurubarapalli Police Station,
Krishnagiri District.
(Crime No. 23 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.23 of 2021 pending investigation on the file of the Respondent.

For Petitioners : Mr.R.Thirumoorthy

For Respondent : Mrs.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The Petitioners 1 and 2 were arrested and remanded to judicial custody on 21.01.2021 and the 3rd petitioner was arrested and remanded to judicial custody on 23.01.2021 and for the offence punishable under Sections 363, & 307 of IPC in Crime No.23 of 2021, seeks bail.

2. The case of the prosecution is that the defacto complainant said to have illicit intimacy with the wife of the first petitioner/A1 and both of them gone to Tirupathi and first petitioner's wife was living with the defacto complainant for some time, the same was questioned by the petitioners. Due to which, quarrel arose between them, in which, the petitioners said to have attacked the defacto complainant and caused serious injuries to him. Hence, the case has been registered .

3. The learned counsel for the petitioners would submit that the defacto complainant said to have illicit intimacy with the first petitioner's wife and both of them were living at Tirupathi, hence, quarrel arose between them and the petitioners said to have attacked the defacto complainant and caused serious injuries to him. He would further submit that injured has been discharged from the hospital. Hence, he seeks bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there was love affair between the defacto complainant and the first petitioner's wife and hence, petitioners attacked the defacto complainant and caused serious injuries to him. Now, injured has been discharged from the hospital. However, she opposed to grant bail to the petitioners.

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 petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are ordered to be released on bail on condition to execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, 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 petitioners shall report before the respondent police as and when required for interrogation;

(d) the petitioners shall not commit any offences of similar nature;

(e) the petitioners shall not abscond either during investigation or trial;

(f) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
19/02/2021

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.II,
KRISHNAGIRI.

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,
GURUBARAPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.

+1CC to M/S.R.THIRUMOORTHY Advocate on payment of necessary charges SR NO.1982

CRL OP.3215/2021

Date :19/02/2021

MK:22/02/2021

<https://hcservices.ecourts.gov.in/hcservices/>