

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.3195 of 2021

Sivakandan @ Karivandu

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Olakkur Police Station,
Villupuram District.
Crime No.18 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.18 of 2021 pending investigation on the file of the Respondent.

For Petitioner : Mr. S.Seenuvasan

For Respondent : Mrs.M. Prabhavathi,
APP

O R D E R

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 18.01.2021 for the offence punishable under Sections 294 (b), 447, 323, 324, 506(ii) and 307 of IPC in Crime No.18 of 2021, seek bail.

2. The petitioner is the sole accused. The case of the prosecution is that due to civil dispute, wordy quarrel arose between the petitioner and the brother of the defacto complainant, in which, the petitioner said to have attacked the injured with woodenlog and caused grievous head injury to him. Hence, a complaint came to be

registered.

3. The counsel for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Now, injured has been discharged from the hospital. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor, on instructions, would submit that the petitioner attacked the injured with woodenlog and caused serious head injuries to him. Now, injured has been discharged from the hospital. However, she opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstance 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-1, Tindivanam, 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 daily 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 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/-
23/02/2021

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-I,
TINDIVANAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
TINDIVANAM.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATE REP BY
THE INSPECTOR OF POLICE,
OLAKKUR POLICE STATION,
VILLUPURAM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON,
CUDDALORE.

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

WEB COPY

CRL OP.3195/2021

Date :23/02/2021

EP-24/02/2021