

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.02.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

Cr1.O.P.No.3592 of 2021

Shivalinga

... Petitioner

Vs.

State of Tamilnadu
Inspector of Police,
Hutco Police Station,
Krishnagiri District.
(Crime No.17 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.17 of 2021 on the file of the respondent police.

For Petitioner : Mr.E. Kannadasan

For Respondent : Mr.S.Karthikeyan
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offence under Section 307 of I.P.C in Crime No.17 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The petitioner is the sole accused in this case and the injured is the wife of the petitioner. It is alleged that there was a dispute between the petitioner and his wife on the date of the occurrence in respect of a land transfer. Due to the same the petitioner said to have assaulted his wife and caused grievous injuries on her neck. Based on the complaint given by the sister of the injured the case came to be registered.

3.The learned counsel for the petitioner would submit that both the petitioner and injured separated from their spouses and it is a second marriage for both of them. He would further submit that due

to a land dispute there was wordy quarrel between them and the sister of the injured falsely given the present complaint. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor opposed the Anticipatory bail application stating that the petitioner attacked his wife with knife and caused grievous injuries on her neck. Due to which 18 sutures was made on her neck and she was in I.C.U unit for more than 15 days

5.Considering the facts and circumstances of the case and the occurrence has taken place due to family dispute and the injured was discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.II, Hosur, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix his photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police daily at 10:30 a.m until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
24/02/2021

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,
HOSUR.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,
HUTCO POLICE STATION,
KRISHNAGIRI DISTRICT.

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

CRL OP.3592/2021

Date :24/02/2021

सत्यमेव जयते

EP-11/03/2021

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