

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4019 of 2021

Elumalai

... Petitioner

Vs.

State rep by its
The Inspector of Police,
Dusi Police Station,
Tiruvannamalai District.
Cr.No.71 of 2021

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.71 of 2021 on the file of the respondent police.

For Petitioner : Mr. G. Thamizhazhagan

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 15.02.2021 for the offence punishable under Sections 147, 148, 307, 324 of IPC in Crime No.71 of 2021, seeks bail.

2. Totally, there are 7 accused and the petitioner is arrayed as A4. The case of the prosecution is that due to some previous enmity, petitioner along with other accused said to have attacked the defacto complainant's husband with knife and caused serious injuries to him. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that due to previous enmity, 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 prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner is involved in one more previous case. Now, injured has been discharged from the hospital. Some of the accused are still absconding. Hence, 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, Cheyyar, 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., 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 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/-

02/03/2021

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,
CHEYYAR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
DUSI POLICE STATION,
TIRUVANNAMALAI DISTRICT

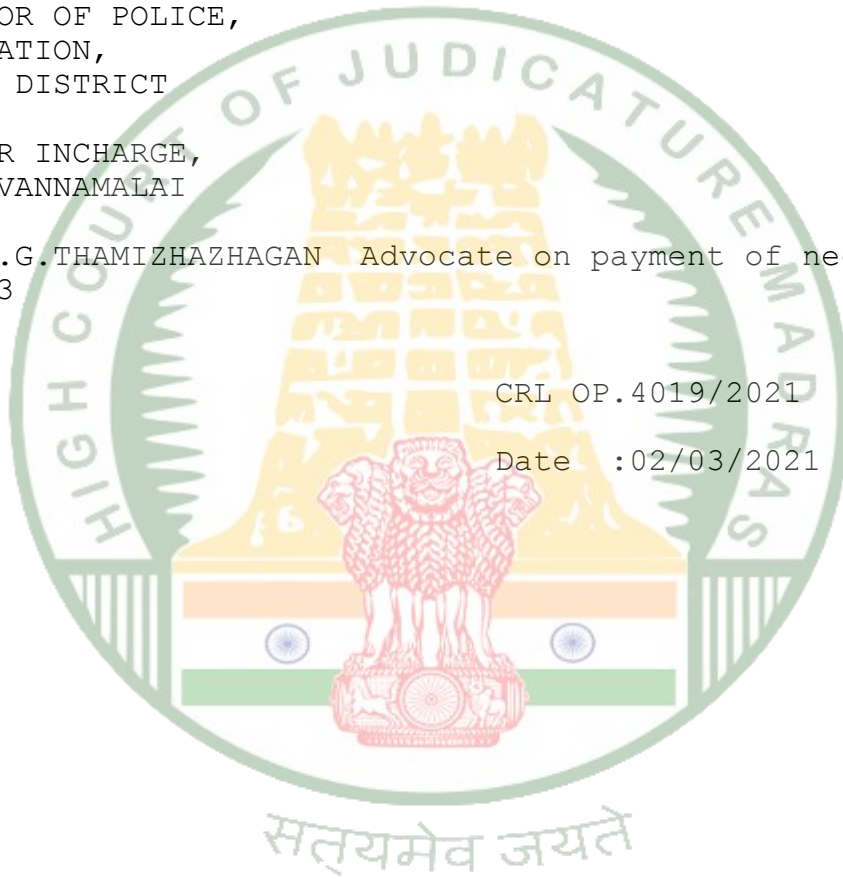
5 THE OFFICER INCHARGE,
SUB JAIL, TIRUVANNAMALAI

CC to M/S.G.THAMIZHAZHAGAN Advocate on payment of necessary
charges Sr.2633

CRL OP.4019/2021

Date :02/03/2021

RVR 03/03/2021



WEB COPY