

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.4219 of 2021

Raja

... Petitioner

Vs.

State rep by

The Inspector of Police,
Mangalam Police Station,
Tiruppur District.

Cr.No.47 of 2021

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail, pending investigation of the case in Cr.No.47 of 2021 on the file of the respondent.

For Petitioner : Mr.S.Ashokkumar

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 30.01.2021 for the offence punishable under Sections 294(b), 324, 506(ii), 354(D)(2), 307 of IPC r/w. 4 of Tamilnadu Prohibition of harassment of Women Act, 2002 in Crime No.47 of 2021, seek bail.

2. Totally, there are four accused and the petitioner is A4. The case of the prosecution is that A1 said to have misbehaved with relative of the defacto complainant's, namely, Roja, who was working in the A1's shop. Due to the same, there was quarrel between both the family members, in which, all the accused said to have abused them in filthy language and also attacked them with deadly weapons. 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 except this petitioner, all the other accused were released on bail. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that since A1 misbehaved with the relative of the defacto complainant, quarrel arose between the parties, in which, all the accused attacked two persons with dangerous weapons and caused serious injuries to them. She would further submit that injured has been discharged from the hospital and investigation is almost completed. Hence, she vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case, and the fact that injured have been discharged from the hospital and co-accused in this case were already released on bail and also taking note of the period of incarceration suffered by the petitioners, 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 No.IV, Tiruppur, 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 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/-
04/03/2021

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 NO.IV,
TIRUPPUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE OFFICER INCHARGE,
DISTRICT JAIL, TIRUPPUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MANGALAM POLICE STATION,
TIRUPPUR DISTRICT.

+1CC to M/S.S.ASHOKKUMAR Advocate on payment of necessary charges SR NO.2745

CRL OP.4219/2021

Date :04/03/2021

MK:05/03/2021