

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.4502 of 2021

Sakthivel

... Petitioner

Vs.

State rep. By

The Inspector of Police,
B-5, Walajabad Police Station,
Kancheepuram District.
(Crime No.38 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.38 of 2021 on the file of Respondent police.

For Petitioner : Mr.M.Guruprasad

For Respondent : Mrs.M.Prabhavathi,
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

Totally, there are three accused and the petitioner is arrayed as A1. The petitioner, who was arrested and remanded to judicial custody on 17.01.2021 for the offence punishable under Sections 294 (b), 323, 324, 506(ii) and 307 of I.P.C. r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act in Crime No.38 of 2021 on the file of respondent police, seeks bail.

2. The case of the prosecution is that on 16.01.2021 when the defacto complainant's daughter and his brother's daughter walking in front of the petitioner's house, he said to have teased them and when the same was questioned by the defacto complainant, he has attacked him with iron rod in his head, right leg, thereby caused severe injuries. A2 has attacked his uncle one Jeevarathinam with iron rod and A3 has attacked his wife and his sister, thereby caused severe injuries to them. Hence, a criminal case has been registered against the petitioner and he was arrested and remanded to judicial custody on 17.01.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel appearing for petitioner would submit that the occurrence was taken place due to a wordy quarrel between the parties. He would submit the petitioner is an innocent person, he has been falsely implicated in the present case and he is not involved in the offence as alleged in the complaint. He would submit that now the injured was discharged from the hospital and the investigation is almost completed. He would submit that he is in jail from 17.01.2021. Hence, he prayed to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent has strongly opposed this petition on the ground that earlier, the petitioner had teased the minor children and when the same was questioned, the accused persons have attacked him with iron rod, thereby caused serious injuries. She would submit that the defacto complainant has taken treatment for more than two months and now, the injured discharged from the hospital. She would also submit that the other two accused are still absconding. However, she opposed to grant bail to the petitioner.

5. I have heard and considered the rival submissions made by the learned counsel appearing for petitioner as well as learned Addl. Public Prosecutor appearing for respondent.

6. Taking into consideration of the fact that, the occurrence taken place in a wordy quarrel between the parties, now the injured was discharged from the hospital, the investigation is almost completed, and considering the period of incarceration suffered by the petitioner for more than two months, 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.II, Kancheepuram** 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, after his release from prison, shall report before the respondent 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 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.

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

-sd/-

12/03/2021

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.II, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
B-5, WALAJABAD POLICE STATION,
KANCHEEPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI.

+1 CC to M/S.M.GURUPRASAD Advocate on payment of necessary charges SR.NO.3268

CRL OP.4502/2021

Date :12/03/2021

TA-15/03/2021