

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.4665 of 2021

Arumugam

... Petitioner

Vs.

State rep. By
The Inspector of Police,
Thirukoilur Police Station,
Villupuram Dt.
(Crime No.129 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.129 of 2021 on the file of Respondent police.

For Petitioner : Mr.D.Lakshmipathy

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

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 11.02.2021 for the offences punishable under Sections 147, 148, 294(b), 323, 324, and 307 of IPC in Crime No.129 of 2021, seeks bail.

2. Totally there are 5 accused and the petitioner is arrayed as A2. The case of the prosecution is that the accused persons and the injured person are neighbours. There was a long standing civil dispute between the parties. On the date of occurrence, A1 entered into the field of the defacto complainant with his cattle. when the defacto complainant questioned the same, A1 along with other accused said to have assaulted the defacto complainant and his mother with dangerous weapon and caused serious injuries to them. Hence, a case has been registered against the petitioner and he was arrested and remanded to judicial custody on 14.02.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel appearing for the petitioner would

submit that due to civil dispute, a quarrel arose between the parties, in which, the defacto complainant and others attacked the petitioners and others and it is a case in counter. He would further submit that no overtact has been attributed as against this petitioner and he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to civil dispute, A1 along with other accused said to have attacked the defacto complainant and his mother with dangerous weapon and caused serious injuries to them. He would further submit that now injured persons were discharged from the hospital. Now, it is stated that the co-accused was arrested and released on bail in CrI.O.P.No.4690 of 2021 and the other accused were granted anticipatory bail in CrI.O.P.No.4737 of 2021. Hence, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances 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) two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirukovilur, 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 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/-
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,
THIRUKOVILUR.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THIRUKOVILUR POLICE STATION,
VILLUPURAM DISTRICT.

5 THE SUPERINTENDENT,
SUB-JAIL, THIRUKOVILUR.

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

CRL OP.4665/2021

Date :12/03/2021

EP-15/03/2021