

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.5127 of 2021

Vinayagamoorthy

... Petitioner

Vs.

State Rep. by
The Sub-Inspector of Police,
Olakkur Police Station,
Villupuram District,
(Crime No.45 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail pending investigation in Crime No.45 of 2021 on the file of the respondent police.

For Petitioner : Mr.T.V.G.Kartheeban

For Respondent : Mrs. M.Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

The Petitioner, who was arrested and remanded to judicial custody on 18.01.2021 for the offence punishable under Sections 294(b), 323, 307 & 506(ii) of IPC in Crime No.45 of 2021, seeks bail.

2. Totally there are two accused and the petitioner is A1. injured is the wife of the petitioner. The case of the prosecution is that the marriage between the petitioner and the injured has taken place 3 years ago and they are having one child. When the petitioner was in abroad, he sent money to his wife/injured, who was staying in her parental home. After return, there was frequent quarrel between them regarding the money sent by the petitioner. Due to the same, on the date of occurrence, the petitioner and his mother abused the defacto complainant in filthy language and attacked her and caused grievous injuries to her. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that

the due to family quarrel, a false case has been foisted as against the petitioner. The petitioner has not committed any offence as alleged by the prosecution. He is in jail for more than 2 months. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed stating that the petitioner and his mother attacked the injured and caused serious injuries to her. Now, investigation is almost completed and injured has been discharged from the hospital. A2, who is the mother of the petitioner was released on bail.

5. Considering the facts and circumstances of the case, and the fact that now injured has been discharged from the hospital and co-accused in this case has already been released on bail and investigation is almost completed 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 No.I, Tindivanam, 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, on release from the prison, 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/-
15/03/2021

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.I,
TINDIVANAM.

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

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE SUB-INSPECTOR OF POLICE,
OLAKKUR POLICE STATION,
VILLUPURAM DISTRICT.

5 THE SUPERINTENDENT,
DISTRICT JAIL, VILLUPURAM.

+1 CC to M/S. T.V.G.KARTHEEBAN Advocate on payment of necessary charges SR.NO.3323.

CRL OP.5127/2021

Date :15/03/2021

EP-16/03/2021

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