

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.5441 of 2021

Murugaraj

... Petitioner

Vs.

State Rep. by
Inspector of Police,
Keelaiyur Police Station,
Nagapattinam District.
(Crime No.93 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.93 of 2021 on the file of the respondent police.

For Petitioner : Mr. S. K. Syed Elias

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 17.02.2021 for the offence punishable under Sections 294(b), 323, 506(i), 342, 307 of IPC in Crime No.93 of 2021, seeks bail.

2. The case of the prosecution is that injured is the wife of the petitioner. The petitioner is a drunkard. On 15.02.2021, in a family dispute, the petitioner abused the defacto complainant in filthy language, attacked her and caused serious injuries to her. Thereafter, on the next day, complaint has been lodged. Originally, a crime has been registered under Sections 294(b), 323, 506(i), 342 of IPC. After investigation, the offences were altered to Section 294(b), 323, 506(i), 342 and 307 of IPC. The petitioner was arrested on 17.02.2021. Now, seeking bail, the present petition has been filed.

3. The learned counsel for the petitioner would submit that due to family dispute between the husband and wife, a false case has been registered as against the petitioner at the instigation of some police constables. The petitioner has not committed any offence as

alleged by the prosecution. He is in jail from 17.02.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed stating that the petitioner has attacked his wife and caused serious injuries to her. Now, injured has been discharged from the hospital. Investigation is almost completed.

5. Considering the facts and circumstances of the case, and the fact that injured has been discharged from the hospital 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.II, Nagapattinam 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 said Magistrate, once in a week, i.e., on every Monday 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/-
18/03/2021

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,
NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KEELAIYUR POLICE STATION,
NAGAPATTINAM DISTRICT.

5 THE OFFICER INCHARGE,
DISTRICT JAIL,
NAGAPATTINAM

+1 CC to M/S. S.K.SYED ELIYAS Advocate on payment of necessary charges SR NO. 3590

WEB COPY

CRL OP.5441/2021

Date :18/03/2021

MN-19/03/2021