

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.6037 of 2021

Saravanan

... Petitioner

Vs.

The State rep.by
The Inspector of Police,
Gangavalli Police Station,
Salem District.
(Crime No.82 of 2021)

.... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in connection with the case Crime No.82 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr. E. Kannadasan

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 03.03.2021, for the offence punishable under Sections 294 (b), 307 of IPC in Crime No.82 of 2021, seeks bail.

2. The petitioner is the sole accused. The case of the prosecution is that both the petitioner and the defacto complainant belongs to the same village. On the date of occurrence, the petitioner said to have possessed an unlicensed gun. When the defacto complainant questioned the same, there was quarrel between them and the petitioner said to have shot the defacto complainant near the knees and caused injuries to him. Hence, the complaint came to be registered .

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person. He has been falsely implicated in this case. In a wordy quarrel, the occurrence has taken place and the gun, which was with the petitioner fired accidentally, in which, the defacto complainant suffered minor injuries on his knee .

The petitioner has no intention to cause injury to him. Now, injured has been discharged from the hospital. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing would submit that the petitioner possessed the unlicensed country made gun. On seeing the same, the defacto complainant questioned it. Due to the same, the petitioner shot the gun and caused injuries to the defacto complainant. Now, investigation is still pending and injured has been discharged from the hospital.

5. Considering the facts and circumstances of the case, and the fact that the occurrence has taken place due to the wordy quarrel between the same village people and now, 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) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Attur 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, 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.

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

-sd/-
26/03/2021

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. ATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
GANGAVALLI POLICE STATION,
SALEM DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

+1 CC to M/S E.KANNADASAN Advocate on payment of necessary charges SR.NO.4112

CRL OP.6037/2021

Date :26/03/2021

TA-29/03/2021

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