

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.6032 of 2021

Veerappan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Kolathur Police Station,
Salem Dt..
(Crime No.461 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.461 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr.M.Subash

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

O R D E R

(The case has been heard through video conference)

Totally, there are 19 accused and the petitioner is arrayed as A1. The petitioner, who was arrested and remanded to judicial custody on 17.02.2021 for the offence punishable under Sections 447, 294(b), 323, 324 and 506(ii) of I.P.C., in Crime No.461 of 2020, seeks bail.

2. The case of the prosecution is that the defacto complainant belongs to a political party and he said to have conducted inter-caste marriage on 09.03.2020. All the accused are related to the bride's family and being aggrieved over the same, they said to have abducted the defacto complainant and attacked him on 09.03.2020, thereby caused serious injury. Hence, a criminal case has been registered against him and the petitioner was arrested and remanded to judicial custody on 22.02.2021. Now, the present petition has been filed seeking bail.

3. The learned counsel for the petitioner would submit that the occurrence taken place in the year 2020. He would submit that the petitioner is an innocent person, he has been falsely implicated in this case and his name was not found in the F.I.R. Now, he is in jail for 42 days and he has not committed any offence as alleged by the prosecution. Hence, he prays for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent would oppose this petition on the ground that the occurrence said to have taken place in the year 2020 and all the accused have abducted the defacto complainant and attacked him, thereby caused serious injury. Now, the investigation completed, the final report has been filed and a charge sheet has been filed in C.C.No.171 of 2021 on the file of Judicial Magistrate No.1, Mettur. Hence, she opposed to grant bail to the petitioner.

5. Taking into consideration of the facts and circumstances, the occurrence taken place in the year 2020, now the matter is pending for trial, the other arrested accused are also released on bail, and also considering the period of incarceration suffered by the petitioner for 42 days, 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 his executing 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.1, Mettur, 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 his release from prison, shall appear before the trial court viz., Judicial Magistrate No.1, Mettur daily at 10.30 a.m. on all hearing days without fail 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/-
31/03/2021

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,
METTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
KOLATHUR POLICE STATION,
SALEM DISTRICT.

+1CC to M/S. M.SUBASH Advocate on payment of necessary charges
SR NO.4345

CRL OP.6032/2021

Date :31/03/2021

MK:01/04/2021