

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.03.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Crl.O.P.No.6228 of 2021

Babu

... Petitioner

Vs.

State Rep. by
The Inspector of Police,
Perugavazhnan Police Station,
Tiruvarur District.
(Crime No.137 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.137 of 2021 on the file of the Respondent Police.

For Petitioner : Mr. N. Palanivel

For Respondent : Mrs.M. Prabhavathi,
APP

ORDER

(The case has been heard through video conference)

Petitioner, who was arrested and remanded to judicial custody on 16.02.2021 for the offence punishable under Sections 294(b), 324, 506 (ii) & 307 of IPC in Crime No.137 of 2021, seeks bail.

2. The petitioner is sole accused. The case of the prosecution is that the petitioner and the defacto complainant are neighbours. On the date of occurrence, the petitioner has burst crackers in front of his house, which was questioned by the defacto complainant. Due to the same, there was a wordy quarrel, in which, the petitioner attacked the defacto complainant and caused injuries to her. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner would submit that the occurrence had taken place in a wordy quarrel. Now, injured has been discharged from the hospital. He is in jail from 16.02.2021. Hence, he seeks bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to wordy quarrel, the occurrence has taken place. Now, injured has been discharged from the hospital. Investigation is almost completed. Hence, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances of the case and also 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-II, Mannargudi, 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 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.

8. 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.II, MANNARGUDI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PERUGAVAZHNTHAN POLICE STATION,
TIRUVARUR DISTRICT.

5 THE OFFICER INCHARGE
DISTRICT PRISON, NAGAPATTINAM.

+1 CC to M/S. N.PALANIVEL Advocate on payment of necessary charges SR.NO.4320

CRL OP.6228/2021

Date :31/03/2021

TA-01/04/2021

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