



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.03.2021

CORAM :

WEB COPY

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

CrI.O.P.No.6290 of 2021

Jayakodi

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Kalasapakkam Police Station,
Tiruvannamalai District.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.61 of 2021 on the file of the respondent police.

For Petitioner : Mr. E. Sathiyaraj

For Respondent : Mrs.M.Prabhavathi
APP

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 04.03.2021 for the offence punishable under Sections 147, 148, 294(b), 324, 506(ii), 427, 379 & 307 of IPC, in Crime No.61 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to wordy quarrel, all the accused persons said to have attacked the defacto complainant and caused injuries. Hence, the complaint was registered.

3. The learned Counsel for the petitioner submitted that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against her. He would further submit that a complaint has been given by the accused in this case before the respondent police in Crime No.62 of 2021 against the defacto complainant and it is a case in counter. He would further submit that co-accused had already been released on bail. Hence, he prays for grant of bail to the petitioner.



4. The learned Additional Public Prosecutor submitted that there is a counter case in Crime No.62 of 2021 had been registered by the respondent police. He further submitted that there is no previous case pending as against the petitioner. He would further submit that the injured person has been discharged from the hospital. However, he opposed for grant bail to the petitioner.

5. Considering the facts and circumstances of the case and the occurrence taken place in a wordy quarrel and the injured person has been discharged from the hospital and co-accused had been released on bail and there is a case in counter 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 District Munsif cum Judicial Magistrate, Kalasapakkam, Thiruvannamalai District, 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 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.

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

-sd/-
30/03/2021

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KALASAPAKKAM,
TIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN, VELLORE.

5 THE INSPECTOR OF POLICE,
KALASAPAKKAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

+1CC to M/S SATHIYARAJ E. Advocate on payment of necessary charges SR NO.4271

CRL OP.6290/2021

Date :30/03/2021

MK:31/03/2021