

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.6252 of 2021

1. Azhagar
2. Selvakumar

... Petitioners

Vs.

State: Inspector of Police,
Nagore Police Station,
Nagapattinam District.
(Crime No.126 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to release the petitioners on bail pending investigation in Crime No.126 of 2021 on the file of the respondent.

For Petitioners : Mr.S. Sasikumar

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The first and second petitioners were arrested and remanded to judicial custody on 10.02.2021 and 16.02.2021 respectively for the offences under Sections 294(b), 324, 506(ii) and 307 of IPC and section 4 of Tamil Nadu Prohibition of Harassment of Women Act @ 294(b), 324, 506(II), 302 IPC and 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Cr.No.126 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are neighbours and there was a land dispute between them due to which the petitioners abused the husband of the defacto complainant and assaulted him with iron rod and caused grievous injuries to him. Based on the complaint, the law enforcing agency registered the case against the petitioners.

3. The learned counsel for the petitioners submit that the victim also attacked the petitioners, for which the petitioners have also filed a counter complaint against the husband of the defacto complainant. He further submits that the petitioners are in judicial custody for more than 50 days. Therefore, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the petitioners brutally attacked the victim and caused grievous injuries to him which resulted in the victim being admitted to the hospital as in-patient. She further submits that the injured had been discharged from the hospital and investigation is almost completed.

5. Taking into consideration the fact that only due to land dispute the occurrence is said to have taken place and further the fact the injured has also 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:

6. Accordingly, the petitioners are ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned learned Judicial Magistrate No.II Nagapattinam and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police, daily at 10.30 a.m. until further orders;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
09/04/2021

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 OFFICER INCHARGE
DISTRICT JAIL, NAGAPATTINAM.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
NAGORE POLICE STATION,
NAGAPATTINAM DISTRICT

+1 CC to M/S.S.SASIKUMAR Advocate on payment of necessary charges
SR.No.4663

सत्यमेव जयते

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