

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.7064 of 2021

Karthikeyan

... Petitioner

Vs.

State represented by its,
Inspector of Police,
Chetpet Police Station,
Thiruvannamalai District
(Crime No.113 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to release the petitioner on bail pending investigation in Crime No.113 of 2021 on the file of the respondent.

For Petitioner : Mr.P.G. Thiyagu

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 18.03.2021 and remanded to judicial custody for the offences under Sections 294(b), 324 and 307 of IPC in Cr.No.113 of 2021 on the file of the respondent police, seeks bail.

2. The petitioner is the sole accused in this case. The case of the prosecution is that the petitioner and the defacto complainant are neighbours and there was some land dispute between them. Due to which the petitioner assaulted the defacto complainant with knife and caused injuries to him. Hence, the law enforcing agency registered a case against the petitioner and other accused.

3. The learned counsel for the petitioner submits that the petitioner is aged 60 years and when the defacto complainant tried to attack the petitioner, he just defended himself. Due to which a false case has been lodged against the petitioner and the petitioner has been in jail from 18.03.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that due to a land dispute the petitioner assaulted the defacto complainant with knife and caused injuries to him. She would further submit that investigation is almost completed and the injured discharged from the hospital.

5. Taking into consideration the fact that investigation is almost completed and the injured 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:

6. 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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned **Metropolitan Magistrate at Polur**, 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 petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

(d) the petitioner 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 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]**; and;

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

-sd/-
15/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

TO

1 THE METROPOLITAN MAGISTRATE
AT POLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHETPET POLICE STATION,
THIRUVANNAMALAI DISTRICT.

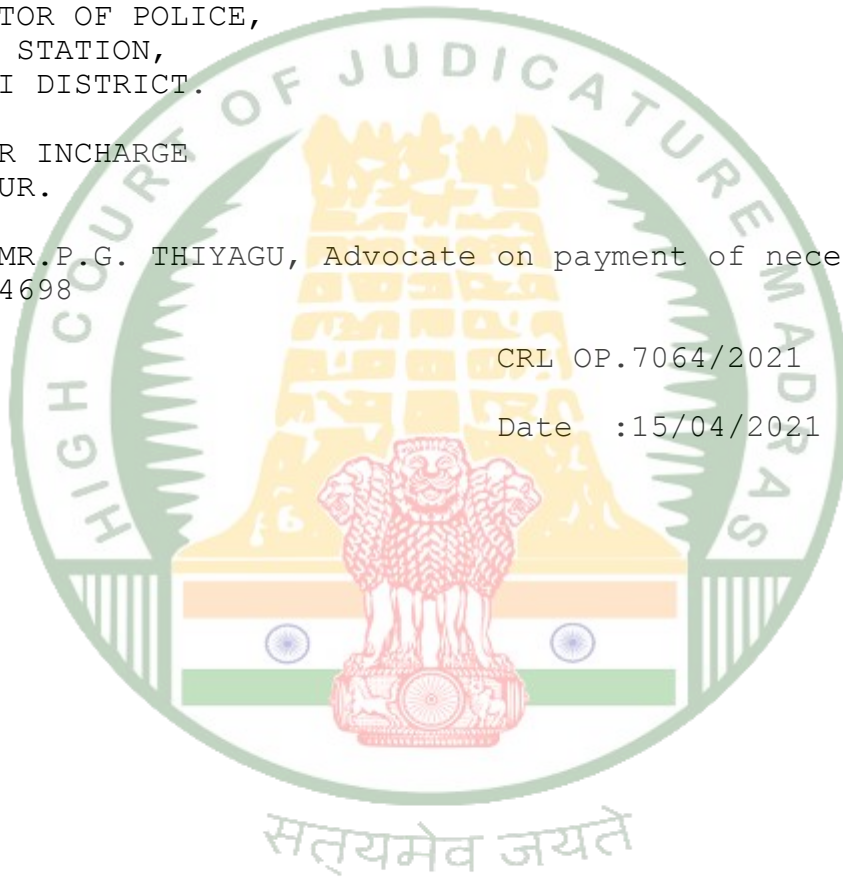
5 THE OFFICER INCHARGE
SUB JAIL, POLUR.

+1 CC to MR.P.G. THIYAGU, Advocate on payment of necessary
charges SR.NO.4698

CRL OP.7064/2021

Date :15/04/2021

TA-15/04/2021



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