

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.7023 of 2021

1. Karthikeyan ... Petitioners
2. Ezhumalai
3. Kala

Vs.

The State rep by ... Respondent
Inspector of Police,
Thanipadi Police Station,
Thiruvannamalai District.
(Crime No.109 of 2021)

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail pending investigation in Crime No.109 of 2021 on the file of the respondent police.

For Petitioners : Mr.S.Kumara Devan

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioners who were arrested on 26.03.2021 and remanded to judicial custody for the offences under Sections 147, 148, 294(b), 307, 323, 324 and 506(ii) of IPC in Cr.No.109 of 2021 on the file of the respondent police, seek bail.

2. Totally there are 5 accused in this case and the petitioners herein are arrayed as A1, A2 and A4. The case of the prosecution is that there was some matrimonial dispute between the third petitioner and her husband Ayyappan and when the defacto complainant who is the close relative of the said Ayyappan tried to compromise the issue, the petitioners attacked the defacto complainant and caused injuries to him. Hence, the complaint came to be registered.

3. The learned counsel for the petitioner submits that there was some matrimonial dispute between the third petitioner and her husband Ayyappan. Due to which the defacto complainant who is the close relative of the said Ayyappan along with other accused persons attacked the petitioners and the petitioners have also lodged a complaint against the defacto complainant in Cr.No.110 of 2021. and

they were no way connected with the offence and that the petitioners are been in jail from 26.03.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the petitioners attacked the defacto complainant and caused injuries to him. She further submits that the injured has been discharged from the hospital and the investigation is almost completed.

5. Taking into consideration the fact that the investigation is almost completed and also the injured has been discharged from the hospital and 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 **Judicial Magistrate, Thandarampet** 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 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

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
THANDARAMPET.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THANIPADI POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, TIRUVANNAMALAI.

+1 CC to M/S.S.KUMARA DEVAN Advocate on payment of necessary charges SR.NO.4730

सत्यमेव जयते

CRL OP.7023/2021

Date :15/04/2021

TA-16/04/2021

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