

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

CrI.O.P.No.7176 of 2021

Sathyaraj

... Petitioner

Vs.

State Rep.by

The Inspector of Police,
Maharajakadai Police Station,
Krishnagiri District.
(Crime No.43 of 2021)

... Respondent

PRAYER: Criminal Original petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.43 of 2021 on the file of the Inspector of Police, Maharajakadai Police Station, Krishnagiri District.

For Petitioner : Mr.C.Samivel

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 27.03.2021 and remanded to judicial custody for the offences under Sections 294(b) 324 and 307 of IPC in Cr.No.43 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that one Sivaraj who is the friend of the defacto complainant is said to have illegal intimacy with the wife of the petitioner, due to which, the petitioner said to have abused and attacked the defacto complainant and caused grievous injuries to him. Hence, the law enforcing agency registered a case against the petitioner.

3. The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and the petitioner has been in jail from 27.03.2021. Therefore, he prays to grant bail to the petitioner.

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

5. Taking into consideration the fact that investigation is almost completed and the injured discharged from the hospital, 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 Judicial Magistrate No.II at Krishnagiri, 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/-
17/04/2021

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, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI [FOR INFORMATION]

3 THE OFFICER INCHARGE
SUB JAIL, HOSUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MAHARAJAKADAI POLICE STATION,
KRISHNAGIRI DISTRICT.

CC to M/S.C.SAMIVEL Advocate on payment of necessary charges

सत्यमेव जयते

CRL OP.7176/2021

Date :17/04/2021

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