

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.04.2021

CORAM :

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

CrI.O.P.No.7657 of 2021

C.Venkatesh Naidu

... Petitioner

Vs.

The State represented by
The Inspector of Police,
Bargur Police Station,
Bargur.
(Crime No.104 of 2021)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.104 of 2021, on the file of the respondent police.

For Petitioner : Mr.C.Thilagaraj

For Respondent : Mr.M.Prabhavathi
Addl. Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 07.04.2021 for the offences punishable under Sections 147, 148, 323, 506(ii) of IPC r/w 3(1) of TNPPDL Act, in Crime No.104 of 2021, seeks bail.

2.The case of the prosecution is that the accused and the defacto complainant are politicians and there was a dispute between them with regard to casting of bogus vote. Due to which, there was a wordy quarrel and the petitioner and other accused assaulted the de-facto complainant with deadly weapons and also caused damage to the de-facto complainant's car and some of the persons belonging to the de-facto complainant's party sustained injuries. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the similarly placed co-accused have been granted anticipatory bail by this Court on 16.04.2021, in CrI.O.P No.7106 of 2021. Hence, he prays for grant of bail to the

4.The learned Additional Public Prosecutor would submit that in a wordy quarrel during the election, the petitioner and other accused assaulted the defacto complainant with deadly weapons and also caused damage to the de-facto complainant's car and some of the persons belonging to the defacto complainant party sustained injuries. He would further submit that the injured persons have been discharged from the hospital. However, she opposed for grant of bail to the petitioner.

5.Considering the facts and circumstances of the case and also of the fact that the injured persons have been discharged from the hospital and the similarly placed accused have been released on bail, this Court is inclined to grant bail to the petitioner.

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 each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Krishnagiri and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 on every Monday and Friday at 10.30 a.m for a period of four weeks and thereafter, as and when required for interrogation.

(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/-

22/04/2021

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

TRUE COPY

TO

1 THE JUDICIAL MAGISTRATE,
NO.1, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
BARGUR POLICE STATION,
BARGUR.

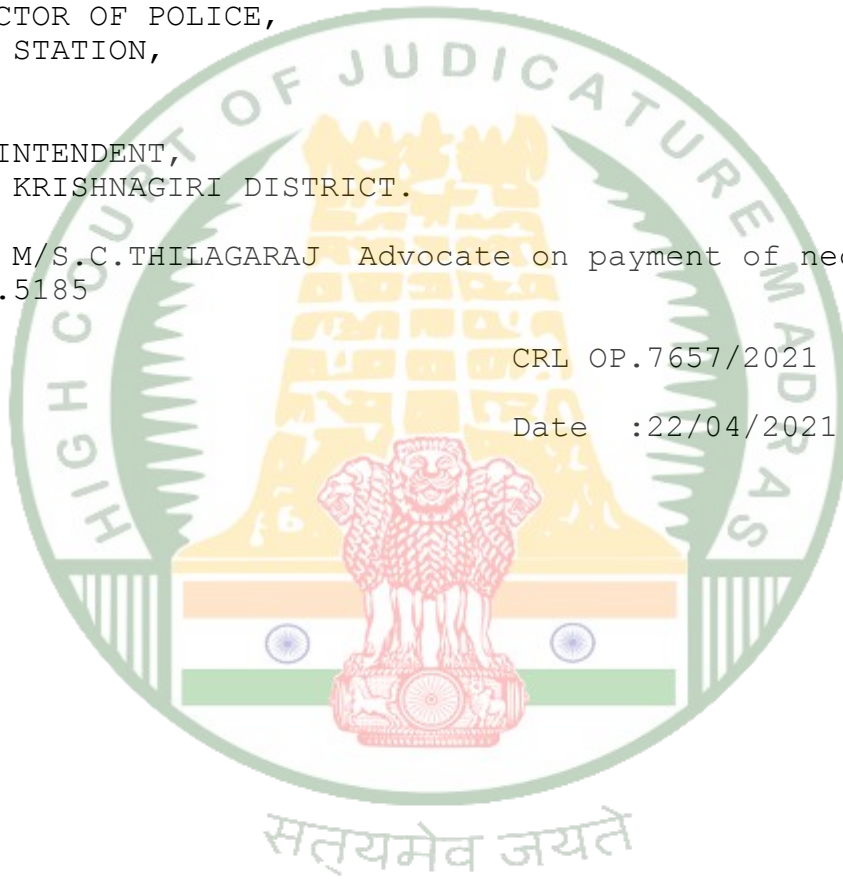
5 THE SUPERINTENDENT,
CENTRAL JAIL, KRISHNAGIRI DISTRICT.

+1 CC to M/S.C.THILAGARAJ Advocate on payment of necessary
charges SR.NO.5185

CRL OP.7657/2021

Date :22/04/2021

TA-22/04/2021



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