

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2021

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Crl.O.P.No.7665 of 2021

Pavunammal @ Pavunu

... Petitioner

Vs.

The State Rep by
Sub-Inspector of Police,
Kalasapakkam Police Station,
Tiruvannamalai District.
(Crime No.57/2021) 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.57 of 2021 pending investigation on the file of the respondent.

For Petitioner : Mr.Sathiyaraj

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

The petitioner who was arrested on 10.03.2021 and remanded to judicial custody for the offences under Sections 294(b), 323, 324, 506(ii), 307, 302 & 341 of IPC in Cr.No.57 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and the defacto complainant belong to the same family and there was some dispute between them with regard to purchase of a land. Due to which, the petitioner assaulted the defacto complainant and his father with iron rod and caused injuries to them. Hence, the law enforcing agency registered a case against the petitioner.

3. The learned counsel for the petitioner/A4 submits that there was only a wordy quarrel between the petitioner and the defacto complainant. Due to which a false case has been lodged against the petitioner and the petitioner has been in jail from 10.03.2021 and also submitted that the accused 1 to 3 arrested by the respondent police and they were granted bail by this Court in Crl.O.P.No.6669 of 2021 dated 16.04.2021. Therefore, he prays to grant bail to the petitioner/A4.

4. The learned Additional Public Prosecutor vehemently opposed the grant of bail by stating that the petitioner with other accused assaulted the defacto complainant and his father with iron rod and caused injuries to them. 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 her 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 **District Munsif Cum Judicial Magistrate, Kalasapakkam, Thiruvannamalai District** 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. for a period of three weeks and thereafter, weekly once (i.e.,) every Monday 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/-
23/04/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KALASAPAKKAM,
THIRUVANNAMALAI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
KALASAPAKKAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE SUPERINTENDENT,
SPECIAL PRISON FOR WOMEN, VELLORE.

+1 CC to M/S.SATHIYARAJ Advocate on payment of necessary charges SR.NO.5263

CRL OP.7665/2021

Date :23/04/2021

TA-23/04/2021

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