

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.11472 of 2021

M.Thirumurugan

.. Petitioner

Vs.

The State

Rep. by the Inspector of Police,
Mangalam Police Station,
Thiruvannamalai District.
(Crime No.340 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 respect of Crime No.340 of 2021 on the file of Mangalam Police Station, Thiruvannamalai District pending investigation.

For Petitioner : Mr.S.B.Viswanathan

For Respondent : Mr.A.Gopinath
Government Advocate (Crl side)

ORDER

The petitioner, who was arrested on 23.03.2021 and remanded to judicial custody for the offences under Section 294(b) and 307 IPC in Cr.No.340 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 were friends and the defacto complainant used to go to the house of the petitioner. The petitioner, having suspected that the defacto complainant and his wife had illicit intimacy between them, he tried to assault the defacto complainant with an iron rod by hitting him on his head and thereby he sustained severe injury and hospitalized. Due to which, the defacto complainant had lodged a complaint against him. Hence, the petitioner was arrested by the law enforcing agency.

3. The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and he further submits that the petitioner. Hence prays for grant of bail.

4. The learned Government Advocate (Crl.Side) submitted that the injured has been discharged from the hospital and there is no previous case pending against the petitioner and the investigation is still pending.

5. Considering the fact that the injured has been discharged from the hospital, the period of incarceration suffered by the petitioner and also the present COVID-19 pandemic situation, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Superintendent, Central Prison, Vellore, in which the petitioner is confined and on such execution the petitioner shall be released from prison;

(b) Within a period of four weeks after the release, the petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thiruvannamalai District;

(c) In case of any difficulty in executing the said bond along with the sureties before the concerned Magistrate within the time stipulated above, the petitioner is permitted to file appropriate petition within a period of four week therefrom before the concerned Magistrate for extension of time for executing the bond along with sureties and if any such application is filed, the concerned Magistrate shall decide on the grant of extension of time for accepting the bond and sureties in accordance with law. Failing filing of any such application within the time prescribed above, the bail granted by this Court would stand automatically vacated.

(d) 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;

(e) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

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

(g) the petitioner shall not abscond either during investigation or trial;

(h) 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;

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

-sd/-

05/07/2021

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, THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MANGALAM POLICE STATION,
THIRUVANNAMALAI DISTRICT.

+1 CC to M/S. S.B.VISWANATHAN
charges SR.No.7060

Advocate on payment of necessary

CRL OP.11472/2021

Date :05/07/2021

cs 06/07/2021