



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.16889 of 2021

Muniyan

... Petitioner

Vs.

State by
The Inspector of Police,
Manalurpet Police Station,
Kallakurichi District.
(Crime No.511 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.511 of 2021 on the file of the respondent police.

For Petitioner : Mr.C.Munusamy

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

For Intervenor : Mr.G.Shanmugam

ORDER

The petitioner who was arrested on 12.08.2021 and remanded to judicial custody for the offences under Sections 294(b), 324 and 506(ii) IPC altered into Sections 294(b), 324, 506(ii) and 307 IPC, in Crime No.511 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had abused the defacto complainant's father and attacked him with Koduval and grievous injuries. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is in no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 12.08.2021. He further submit that the petitioner was also attacked by the defacto complainant. The learned counsel, on instructions, would further submit that the petitioner, on his own volition, without prejudice to his rights, is ready to deposit the



amount of Rs.15,000/- to the credit of the crime number towards the cost of treatment and also conceded the same may be disbursed to the defacto complainant. Hence, he prays for grant of bail to the petitioner.

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4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that there is no previous case pending as against the petitioner and the injured person has been discharged from the hospital. However, he vehemently opposed for grant of bail to the petitioner.

5. The learned counsel for the intervenor/defacto complainant submitted that the petitioner had abused the defacto complainant's father and attacked him with Koduval and caused grievous injuries. Hence, he strongly opposed for grant of bail to the petitioner.

6. Considering the period of incarceration suffered by the petitioner and there is no previous case pending against the petitioner and further the petitioner on his own volition is prepared to deposit the medical expenses incurred by the defcto complainant, this Court is inclined to grant bail to the petitioner with certain conditions:

7. 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, Thirukoilur, and on further condition that:

(a) the petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) to the credit of Cr.No.511 of 2021 before the learned Judicial Magistrate, Thirukoilur, within a period of two weeks from the date of receipt of a copy of this order and on such deposit the said amount may be disbursed to the defacto complainant within a period of two weeks thereafter;

(b) 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;

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

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

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



(f) 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;

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

-sd/-

15/09/2021

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,
THIRUKOILUR

2 THE CHIEF JUDICIAL MAGISTRATE
VILUPURAM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
MANALURPET POLICE STATION,
KALLAKURICHI DISTRICT,

4 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.16889/2021

Date :15/09/2021

APN 16/09/2021