



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.17358 of 2021

1. B. Veeramani ... petitioners
2. Rathika

Vs.

State represented by ... Respondent
The Inspector of Police,
Erumapatti Police Station,
Namakkal District
(Crime No.578 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail in Crime No.578 of 2021 on the file of the respondent police.

For petitioners : Mr.Karan and Uday

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

ORDER

The petitioners who was arrested on 31.08.2021 and remanded to judicial custody for the offences under Sections 447,294(b),323, 307 of I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.578 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the due to a civil dispute the petitioners along with their son alleged to have assaulted the defacto complainant with deadly weapons and caused injuries to the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are no way connected with the alleged offence and they have been falsely implicated in this case and the petitioners has been in jail from 31.08.2021. Therefore, he prays to grant bail to the petitioners.

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



5. Considering the fact that there is no previous case pending against the petitioners and that the injured discharged from the hospital and also taking note of the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:

6. Accordingly, the petitioners 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 *Judicial Magistrate, Sernthamngalam, Namakkal 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 first petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders; the second petitioner shall appear before the respondent police daily at 10:30 p.m for a period of two weeks and thereafter as and when required for interrogation.

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
20/09/2021

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.



1 THE JUDICIAL MAGISTRATE,
SERNTHAMNGALAM, NAMAKKAL DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ERUMAPATTI POLICE STATION,
NAMAKKAL DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, NAMAKKAL DISTRICT.

5 THE SUPERINTENDENT,
CENTRAL PRISON WOMAN,
SALEM DISTRICT.

6 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. KARAN AND UDAY Advocate on payment of necessary
charges SR.NO.10267

CRL OP.17358/2021

Date :20/09/2021

CSK 21/09/2021