

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.20472 of 2020

Raviprakasam

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Pachal Police Station,
Thiruvannamalai District
(Crime No.2378 of 2020) ... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioner on bail in Crime No.2378 of 2020 pending investigation on the file of the Respondent.

For Petitioner : Mr. V.Prakash Babu

For Respondent : Mr.M. Prabavathy,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 06.12.2020 for the offence punishable under Sections 294 (b), 324, 506(ii), 307 IPC r/w. Section 4 of W.H.Act in Crime No.2378 of 2020, seeks bail.

2. The case of the prosecution is that the petitioner borrowed some amount and jewells from the defacto complainant. On 07.08.2020, when, the defacto complainant demanded the same, the petitioner said to have attacked defacto complainant with knife and caused serious injuries. Hence, a case has been registered against the petitioner.

3. The learned counsel for the petitioner would submit that there is a civil dispute between the petitioner and the defacto complainant, due to which, a false case has been lodged against the petitioner . Now, the matter has been settled between themselves and they have also filed an affidavit to that effect. Hence, he seeks for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner has borrowed money and jewells from the defacto complainant. When she demanded the same, he attacked her and caused serious cut injuries. She would further submit that now injured has also been discharged from the hospital. However, she opposed to grant bail to the petitioner.

5. Considering the said facts and circumstances and the fact that injured has been 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:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Principal District and Sessions Judge, Tiruvannamalai, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

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

(d) the petitioner shall not commit any offences of similar nature;

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

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

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

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

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
11/01/2021

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 PRINCIPAL DISTRICT AND
SESSIONS JUDGE, TIRUVANNAMALAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE SUPERINTENDENT,
SUB-JAIL, THIRUVANNAMALAI

4 THE INSPECTOR OF POLICE
PACHAL POLICE STATION,
TIRUVANNAMALAI DISTRICT.

+1 CC to M/S.V.PRAKASH BABU Advocate on payment of necessary
charges SR.NO.375

CRL OP.20472/2020

Date :11/01/2021

TA-11/01/2021

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