



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2021

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.No.19377 of 2021

Thangadurai

... Petitioner

Vs.

The State rep. by
Inspector of Police,
Sembanarkoil Police Station
Mayiladuthurai District
(Crime No.825 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail pending investigation in Crime No.825 of 2021 on the file of the Respondent police.

For Petitioner : Mr.R.Kuyilan

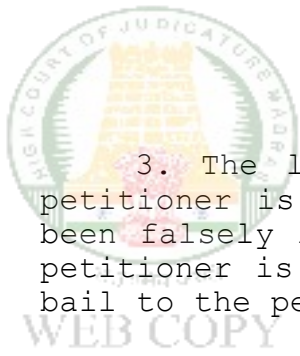
For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)

ORDER

(This case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 30.09.2021 for the offences under Sections 294(b), 324, 427, 307 and 506(ii) of I.P.C., in Crime No.825 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and defacto complainant are brothers and there was a land dispute between them. On 29.09.2021 at about 08.30 a.m., the petitioner had dashed the bike of the defacto complainant with the tractor while he was driving, as a result of which, the defacto complainant fell down and also alleged that the petitioner attempted to run over the defacto complainant with an intention to murder him and later abused him with filthy language. Hence, the complaint.



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. He would also submit that the petitioner is in jail from 30.09.2021. Therefore, he prays to grant bail to the petitioner.

4. The learned Government Advocate (Crl.Side) vehemently objects to release the petitioner on bail stating that the investigation is still pending. As per the prosecution case, there is dispute between the parties regarding the property, resulting in which, the petitioner alleged to have driven the tractor and moved two wheeler driven by the defacto complainant, thereby causing him injury. He would also submit that the petitioner alleged to have threatened defacto complainant with dire consequences and also threatened to murder him. Therefore, the case has been registered. He would further submit that injured had been discharged from the hospital.

5. Considering the fact that the petitioner was in jail from 30.09.2021 and there is no previous case pending against the petitioners, this Court is inclined to grant bail to the petitioners with certain conditions:

6. Accordingly, the petitioner is ordered to be released on bail on executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, one surety shall be a blood surety, each for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate, Tharangambadi and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned District Munsif cum Judicial Magistrate, Tharangambadi may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank Manager to ensure their identity;

(b) the petitioners shall co-operate with the pending investigation and shall stay at Salem and report before the Inspector of Police, Fairland Police Station, daily at 10.00 a.m. till the completion of investigation and the petitioners shall not enter into the jurisdiction of the respondent police.

(c) the petitioner shall not influence, threaten or coerce the 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 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/-

12/10/2021

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, THARANGAMBADI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
SEMBANARKOIL POLICE STATION,
MAYILADUTHURAI DISTRICT

4 THE OFFICER INCHARGE,
SUB-JAIL, MAYILADUTHURAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S R.KUYILAN Advocate on payment of necessary
charges SR.NO.11394

CRL OP.19377/2021

Date :12/10/2021

JPA 13/10/2021