



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2021

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Cr1.O.P.No.19392 of 2021

Shanmuga Sundaram

... Petitioner

Vs.

The State rep. by
Inspector of Police,
T.Palur Police Station,
Ariyalur District.
(Crime No.569 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioners on bail pending investigation in Crime No.569 of 2021 on the file of the respondent police.

For Petitioner : Mr.P.Parathikannan

For Respondent : Mr.L.Baskaran
Government Advocate (Cr1.Side)

ORDER

(This case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 29.09.2021 for the offences under Sections 294(b), 324, 506(ii) and 307 of I.P.C., in Crime No.569 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 28.09.2021 at about 09.30 p.m., there was a wordy quarrel with regard to family dispute between the petitioners and defacto complainant, who is cousin brother of petitioner, as a result of which, the petitioner said to have assaulted the defacto complainant, thereby caused injuries on his ribs neck and hand. Hence, the complaint.



3. The learned counsel for the petitioner submitted that the dispute arose between brothers, resulting in which, the registration of this case. 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 29.09.2021. Therefore, he prays to grant bail to the petitioners.

4. The learned Government Advocate (Crl.Side) vehemently objects to consider the bail petition stating that the investigation is still in the initial stage. He would further submit that injured had been discharged from the hospital.

5. Considering the facts and circumstances of the case and also considering period of incarceration suffered by the petitioner from 29.09.2021 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 Judicial Magistrate-I, at Jayankondam and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial Magistrate-I, Jayankondam 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, Suramangalam 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 JUDICIAL MAGISTRATE,
NO.I, JAYANKONDAM.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
T.PALUR POLICE STATION,
ARIYALUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
SURAMANGALAM POLICE STATION,
SALEM DISTRICT.

+1 CC to M/S.P.PARTHIKANNAN Advocate on payment of necessary charges SR.NO.11399

CRL OP.19392/2021

Date :12/10/2021

JPA 13/10/2021