



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.19376 of 2021

Praveen Kumar

... Petitioner

Vs.

The State
Rep by its Inspector of Police,
Irumbulikulurichi Police Station,
Ariyalur District,
(Crime No.219 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.219 of 2021 on the file of the respondent police.

For Petitioner : Mr.R.Jayaprakash

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 27.09.2021 for the offences under Sections 294(b), 324, 355, 307 and 506(ii) of IPC 1860, in Crime No.219 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a panchayat election dispute between the petitioner and the defacato complainant, as a result of which, the petitioner had abused the defacto complainant in filthy language and attacked him with iron rod and also took his car and threatened to drive the car over the defacto complainant and his wife and caused injuries. 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 further submitted that the petitioner has been in jail from 27.09.2021. Therefore, he prays to grant bail to the petitioner.



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

5. Considering the facts and circumstances of the case and also the fact that the injured person has been discharged from the hospital and there is no previous case pending against the petitioner and also considering the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions:

6. 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 District Munsif cum Judicial Magistrate Court, Sendurai, and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the District Munsif cum Judicial Magistrate Court, Sendurai, 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 stay at Salem and report before the Inspector of Police, Asthampatty Police Station, daily at 10.00 a.m., until further orders and the petitioner 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 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;



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

WEB COPY

-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 COURT, SENDURAI.

2 THE CHIEF JUDICIAL MAGISTRATE
ARIYALUR DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
IRUMBULIKURICHI POLICE STATION,
ARIYALUR DISTRICT.

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

+1 CC to M/S R.JAYAPRAKASH Advocate on payment of necessary charges SR.NO.11384

CRL OP.19376/2021

Date :12/10/2021

RW 13/10/2021