

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.01.2021

CORAM :

THE HON'BLE Mr. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.21160 of 2020

Bharathi @ Bharathidhasan

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Cheyyar Police Station,
Tiruvannamalai District.
(Crime No.3267 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.3267 of 2020 pending on the file of the Respondent.

For Petitioner : Mr.Sathiyaraj.E.

For Respondent : Mrs.M.Prabhavathi,
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner, who was arrested and remanded to judicial custody on 21.11.2020 for the alleged offence punishable under Sections 294(b), 323, 324 and 307 of IPC in Crime No.3267 of 2020, seeks bail.

2. The case of the prosecution as per the *de facto* complainant is that the petitioner along with other accused waylaid the *de facto* complainant and attacked him with aruval and thereby, caused injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would submit that the petitioner and the *de facto* complainant are close friends, due to political motive, a false complaint has been given against the petitioner as if the petitioner along with the other accused have assaulted the *de facto* complainant. He would further submit that the injured has been discharged from the hospital and that the petitioner is in

judicial custody from 21.11.2020 and hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would vehemently oppose stating that the petitioner along with other accused waylaid the *de facto* complainant and assaulted him with aruval and also caused serious head injuries to him. She would submit that the injured has been discharged from the hospital.

5. Heard the learned counsel for the petitioner as also the learned Additional Public Prosecutor appearing for the respondent. Perused the entire materials available on record.

6. Taking into consideration the facts and circumstances of the case and the fact that the injured has been discharged from 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 Judicial Magistrate, Cheyyar, Thiruvannamalai District, 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.

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

-sd/-
06/01/2021

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 JUDICIAL MAGISTRATE,
CHEYYAR, TIRUVANNAMALAI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
CHEYYAR POLICE STATION,
TIRUVANNAMALAI.

5 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

+1 CC to M/S. SATHIYARAJ E. Advocate on payment of necessary charges SR.NO.124

CRL OP.21160/2020

Date :06/01/2021

TA-07/01/2021

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