

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.01.2021

CORAM :

THE HON'BLE MR. JUSTICE V. BHARATHIDASAN

CrI.O.P.No.21003 of 2020

1) Karthik

2) Thilagavathi

... Petitioners

Vs.

The State Rep. by
Inspector of Police
Moranam Police Station
Tiruvannamalai District.
(Crime No.1931 of 2020)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code to enlarge the petitioners on bail in Crime No.1931 of 2020 pending investigation on the file of the Respondent.

For Petitioners : Mr.M.Sathish Kumar

For Respondent : Mrs.M.Prabavathi
Addl. Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who were arrested and remanded to judicial custody on 08.12.2020 for the offence punishable under Sections 294(b), 324 and 307 of I.P.C. in Crime No.1931 of 2020, seek bail.

2. The case of the prosecution is that, the petitioners are A1 and A2. The allegation is that the 2nd accused, who is mother of one Tamilarasi, the defacto complainant had cheated her and took away gold jewels, when the same was questioned, there was a wordy quarrel, in which the petitioners have attacked the defacto complainant with knife and caused minor injury. Hence, the present complaint.

3. The learned counsel appearing for the petitioners would submit that when the 2nd accused, mother of Tamilarasi questioned about the cheating of minor girl, there was a wordy quarrel between the petitioners and the defacto complainant, in which the petitioners have attacked the defacto complainant with knife. Based on that, a complaint was registered against the petitioners and both of them were arrested on 08.12.2020 and the injured was also discharged from the hospital. Hence, he seeks for grant of bail to the petitioners.

4.The learned Additional Public Prosecutor would vehemently oppose to enlarge the petitioners on bail on the ground that there was a wordy quarrel between the petitioners and the defacto complainant, and the petitioners attacked the defacto complainant and caused injury. The petitioners were arrested on 08.12.2020 and the injured was discharged from the hospital.

5.Taking into consideration of the facts and circumstances, as the occurrence had taken place in a wordy quarrel and the injured was discharged from the hospital and also considering the period of incarceration suffered by the petitioners, this Court is inclined to grant bail to the petitioners subject to the following conditions:

(a) Accordingly, the petitioners are 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, 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 petitioners, on their release from prison, shall report before the respondent police as and when required;

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

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

(f) the petitioners 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 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];

(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/-
04/01/2021

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.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI [FOR INFORMATION]

3 THE SUPERINTENDENT,
SUB-JAIL, VANDAVASI,
TIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE INSPECTOR OF POLICE,
MORANAM POLICE STATION,
TIRUVANNAMALAI DISTRICT.

+1CC to M/S.M.SATHISH KUMAR Advocate on payment of necessary charges SR NO.17

CRL OP.21003/2020

Date :04/01/2021

MK:05/01/2021

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