



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.20304 of 2021

Sivakumar C

... Petitioner

Vs.

State rep by
The Inspector of Police,
Jedarpalayam Police Station,
Namakkal District.
(Crime No.332 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C, prayed to enlarge the petitioner on bail in Crime No.332 of 2021 on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1.Side)

ORDER

The petitioner who was arrested on 03.10.2021 and remanded to judicial custody for the offences under Sections 294(b), 324, 307 of IPC in Crime No.332 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a civil dispute between the petitioner and the defacto complainant, as a result of which, the petitioner had abused the defacto complainant and dashed her with car and caused injuries. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is in no way connected with the alleged offence and he has been falsely implicated in this case and the petitioner has been in jail from 03.10.2021. The learned counsel, on instructions, would



further submit that the petitioner, on his own volition, without prejudice to his rights, is ready to deposit the amount of Rs.1,00,000/- to the credit of the crime number towards the cost of treatment and also conceded the same may be disbursed to the defacto complainant. Hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for the respondent submitted that there is no previous case pending against the petitioner and the injured person has been discharged from the hospital, however, he spend more than Rs.90,000/- for his treatment. However, he vehemently opposed for grant of bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner and there is no previous case pending against the petitioner and further the petitioner on his own volition is prepared to deposit the medical expenses incurred by the defcto complainant, 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 learned Judicial Magistrate, Paramathi, and on further condition that:

(a) the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh Only) to the credit of Cr.No.332 of 2021 before the learned Judicial Magistrate, Paramathi, within a period of two weeks from the date of receipt of a copy of this order and on such deposit the said amount may be disbursed to the defacto complainant within a period of two weeks thereafter;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police, daily at 10.30 a.m. until further orders;

(d) the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

(f) 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;

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

-sd/-
01/11/2021

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,
PARAMATHI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
JEDARPALAYAM POLICE STATION,
NAMAKKAL DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S. C.S.SARAVANAN Advocate on payment of necessary charges

CRL OP.20304/2021

Date :01/11/2021

JPA 02/11/2021