



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.21422 of 2021

Katturaja @ Singakutti Mayan @ Mani

... petitioner

Vs.

The State represented by
Inspector of Police,
Tharamangalam Police Station,
Salem District.
Crime No.664 of 2020

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in connection with the case in Crime No.664 of 2020 pending investigation on the file of the respondent police.

For petitioner : Mr.M.Guruprasad

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 25.10.2021 for the offences under Sections 294(b), 324 and 506(ii) of IPC and altered into Sections 294(b), 342, 307 and 506(ii) of IPC in Crime No.664 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 13.05.2020 at about 9.30 p.m, the accused entered into the house of the defacto complainant and assaulted one of her son namely Rajesh with hands and bit his ear and when the another son of the defacto complainant namely Ramesh Gandhi intervened, the accused also bit his left hand. Thereafter, when defacto complainant intervened, the accused attacked her with brick and also abused in filthy language. Hence the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that A1 in this case has been granted bail by the Sessions Court and that the petitioner has been suffering incarceration for more than 20 days from 25.10.2021. He would further submit that admittedly the petitioner is having previous cases and whenever he comes out on bail, the respondent police implicate the petitioner in fresh cases in order to keep him in continuous custody and to harass the petitioner. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate raised strong objection stating that the petitioner has got 13 previous case and he would admit that A1 has been released on bail by the Sessions Court. He would further submit that the victim sustained only simple injury and was treated as out patient and that the investigation is almost completed.

5. Considering the fact that A1 has already been released on bail and the investigation is almost completed and also considering the period of incarceration undergone 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 learned Judicial Magistrate, Omalur and on further conditions that:

(a) 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;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of eight weeks and thereafter, as and when required for interrogation. The petitioner is also directed to co-operate for trial.

(c) the petitioner shall not tamper with evidence or 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/-

16/11/2021

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,
OMALUR, SALEM DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
THARAMANGALAM POLICE STATION,
SALEM DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

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

CRL OP.21422/2021

Date :16/11/2021

APN 17/11/2021