



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2021

CORAM:

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

Crl.O.P.No.23036 of 2021

K.Gubendirakumaran

.. Petitioner

Vs.

State rep. by
The Inspector of Police,
Kanchi Taluk Police.
(Crime No.1585 of 2021)

.. Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail, the petitioner / accused A1 is arrested on 05.11.2021 by the respondent police in connection with the Crime No.1585 of 2021 on the file of the respondent police.

For Petitioner : Mr.P.Jayachandran

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

ORDER

The petitioner who were arrested and remanded to judicial custody on 05.11.2021 for the offences under Sections 294(b), 307, 506(II) IPC r/w 4 of Women Harassment Act 2002 in Crime No.1585 of 2021, on the file of the respondent police, seek bail.

2. The case of the prosecution is that on 02.11.2021 the petitioner went to the house of the defacto complainant, uttered filthy languages against her husband and assaulted him using a knife focusing on his head and as the husband of the defacto complainant prevented, the same by using his right hand, he sustained injury on his right hand, that he had criminal intimidated the injured as well



as his wife as to cause death, that the said petitioner has assaulted the injured at the instigation of another accused, that the injured was referred to the Government Hospital, Chennai. Hence this case.

3. The learned Counsel for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection stating that the injured discharged, co-accused already released on bail and investigation is almost completed and no previous case pending against the petitioner. However, he vehemently opposed to grant bail to the petitioner.

5. Considering all these facts, 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 their executing separate bonds 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 No.II, Kancheepuram, 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 on every Sunday at 10.30 a.m. until further orders;

(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/-
02/12/2021

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,
NO.II, KANCHEEPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
KANCHI TALUK POLICE,
KANCHEEPURAM

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAL, CHENNAI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. P.JAYACHANDRAN Advocate on payment of necessary charges SR.NO.13890

CRL OP.23036/2021

Date :02/12/2021

JPA 03/12/2021