



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM:

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

Cr1.O.P.No.24206 of 2021

Lakshmanan

...Petitioner

Vs.

State rep by
The Inspector of Police,
Seerkazhi Police Station
Cr.No.1294 of 2021

...Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.1294 of 2021 on the file of the respondent Police.

For Petitioner : Mr.S.Vijay

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1. Side)

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 18.10.2021 for the offences under Sections 294(b), 324, 341, 307 and 506(ii) of IPC, in Crime No.1294 of 2021, on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner along with other accused abused the defacto complainant in filthy language, attacked him with wooden logs and billhook and also threatened and attempted to commit murder. Hence, the complaint.

3. The learned Counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he has been falsely implicated in this case and that he has been suffering incarceration for about 55 days from 18.10.2021. Hence, he seeks for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) raised objection stating that the petitioner/A2 along with other accused was playing Goli in front of the defacto complainant's house. When the same was questioned, they abused and attacked him due to which, he sustained injuries but admits now the victim has been discharged from the hospital and A1 has been granted bail.

5. Considering the fact that the victim has been discharged from the hospital and A1 has been granted bail and that the investigation is almost completed, 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-III, Seerkazhi, 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 Tuesday and Saturday 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.

7. Further, as per FIR, the victim has sustained severe injuries behind his ear and all over his body and thereby, the accused have been charged for the offences under Sections 294(b), 324, 341, 307 and 506(ii) of IPC. Hence, this Court recommends that it is a fit case to refer, as per 357(A) (1)(2) and (6) of Victim Compensation Scheme. The Legal Services Authority, Nagapattinam District, is hereby directed to pay a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the defacto complainant as interim compensation in the manner known to law within a period of 4 weeks from the date of receipt of copy of this order.



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

-sd/-

13/12/2021

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.III, SEERKAZHI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM DISTRICT. [FOR INFORMATION]

3 THE OFFICER INCHARGE,
DISTRICT PRISON, VELIPALAYAM,
NAGAPATTINAM COURT COMPLEX, NAGAPATTINAM DISTRICT.

4 THE INSPECTOR OF POLICE,
SEERKAZHI POLICE STATION,
NAGAPATTINAM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

COPY TO

1 THE CHAIRMAN,
LEGAL SERVICES AUTHORITY, NAGAPATTINAM DISTRICT.

2 THE SECRETARY,
LEGAL SERVICES AUTHORITY,
NAGAPATTINAM DISTRICT.

3 THE LEGAL SERVICES AUTHORITY,
NAGAPATTINAM DISTRICT.

+1 CC to M/S.S.VIJAY Advocate on payment of necessary charges
SR.NO.14554

CRL OP.24206/2021

Date :13/12/2021

RW 14/12/2021