



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2021

CORAM:

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

CrI.O.P.No.23694 of 2021

Ganapathy

... Petitioner

Vs.

State rep.by

...Respondent

The Inspector of Police,
Kadampuliyur Police Station,
Cuddalore District.
(Crime No.648 of 2021)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to release the petitioner on bail pending investigation of the case in Crime No.648 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Vijaya Ragavan

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 25.11.2021 for the offences under **Sections 294(b), 323 and 324 r/w Section 4 of TNPWH Act @ 294(b), 323, 324, 307 and 506(ii) of IPC r/w Section 4 of TNPWH Act** in Crime No.648 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant's husband and the petitioner are brothers. On 23.11.2021, there was a wordy quarrel between the defacto complainant's family and the petitioner's family regarding a land dispute, due to which, the petitioner had scolded the defacto complainant in filthy language, assaulted her, threatened her with dire consequences and also caused injuries to her. Hence, the complaint.



3. The learned counsel for the petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner has been suffering incarceration for more than 7 days from 25.11.2021. However, on instructions, he submits that the petitioner is ready and willing to pay a sum of Rs.5,000/- to any Charitable Institute as may be directed by this Court. He further submits that there was a case in counter. Hence he prays for grant of bail to the petitioner.

4. The learned Government Advocate submits that the injured has been discharged from the hospital and investigation was almost completed. However, he vehemently opposed for granting bail to the petitioner.

5. Considering the period of incarceration suffered by the petitioner and also considering the fact that the injured has been discharged from the hospital and investigation was almost completed and also the fact that the petitioner has willfully and on his own volition agreed to contribute a sum of **Rs.5,000/-** for charitable purpose, 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-II, Panruti**, and on further condition that:

(a) the petitioner is directed to deposit a sum of **Rs.5,000/- (Rupees Five thousand only) to the Legal Service Authority, Cuddalore District**, within a period of two weeks from the date of receipt of a copy of this order and shall produce the said receipt before the Court below;

(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/-

08/12/2021

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, PANRUTI, CUDDALORE DISTRICT.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
KADAMPULIYUR POLICE STATION,
CUDDALORE DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, CUDDALORE.

6 THE LEGAL SERVICE AUTHORITY
CUDDALORE DISTRICT.

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

CRL OP.23694/2021

Date :08/12/2021

TA-09/12/2021