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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM:

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

CrI.O.P.No.24134 of 2021

KRISHNAMOORTHY

... Petitioner/Accused

Vs.

State by
Inspector of Police,
Valathi Police Station,
Villupuram District.
(Cr.No.543 of 2021)

...Respondent/Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail pending investigation in Crime No.543 of 2021 on the file of the Inspector of Police, Valathi Police Station, Villupuram District.

For Petitioner : Mr.S.Sasikumar

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

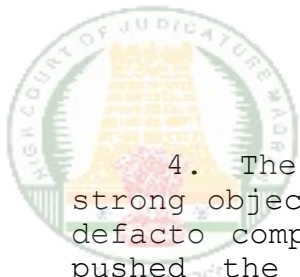
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 28.11.2021 for the offences under Sections 294(b), 506(II), 307 of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, in Crime No.543 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the the petitioner abused the deceased while she was washing clothes near a well and also attempted to commit murder by pushing her into the well. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. He would further submits that the petitioner has been suffering incarceration for more than 10 days from 28.11.2021 and he would pray for grant of bail to the Petitioner.



4. The learned Government Advocate (Crl. Side) would raise strong objection stating the petitioner is the sole accused. When the defacto complainant was washing clothes near a well, the petitioner pushed the defacto complainant and when she was struggling for breathing, the petitioner pressed her into the water again and again and attempted to commit murder. On seeing the same, two persons lifted the defacto complainant from the well.

5. Considering the facts of the case and that 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 directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.543 of 2021 and on such deposit, 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 Sessions Judge, Magalir Neethi Mandram (Fast Track Mahila Court), Villupuram, and on further condition 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 Saturday at 10.30 a.m. until further orders;

(c) the defacto complainant is permitted to withdraw the said deposit amount of Rs.10,000/- (Rupees Ten Thousand Only) on proper identification and acknowledgement.

(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.

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-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 SESSIONS JUDGE,
MAGALIR NEETHI MANDRAM (FAST TRACK MAHILA COURT),
VILLUPURAM

2 THE INSPECTOR OF POLICE,
VALATHI POLICE STATION,
VILLUPURAM DISTRICT

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE OFFICER INCHARGE,
DISTRICT PRISON,
VILLUPURAM

CC to M/S.S.SASIKUMAR Advocate on payment of necessary charges
Sr.14637

CRL OP.24134/2021

Date :13/12/2021

RVR 14/12/2021