



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2021

CORAM:

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

Crl.O.P.No.24830 of 2021

Shanmugam

... Petitioner

Vs.

The State represented by
Inspector of Police
Marandahalli Police Station
Dharmapuri District.
(Crime No.440 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.440 of 2021 on the file of the Inspector of Police, Marandahalli Police Station, Dharmapuri District.

For Petitioner : Mr.C.Prabakaran

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

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 25.11.2021 for the offences under Sections 294(B) and 307 of IPC, in Crime No.440 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on the date of occurrence, the accused persons had given money to the de facto complainant for purchase of liquor for a sum of Rs.550/-. Accordingly, the de facto complainant purchased liquor and after consuming liquor jointly, the accused persons assaulted the de facto complainant with knife and broken bottles in his neck stating that the de facto complainant has purchased lesser quantity of liquor for the money given by the accused persons due to which, he sustained injuries. Hence, the compliant.



3.The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in this case and the petitioner has not committed any offence as alleged by the prosecution and now the injured has been discharged from the hospital. He would further submit that the petitioner has been suffering incarceration for more than 20 days from 25.11.2021 and hence, he would pray for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would raise objection stating that the petitioner along with others assaulted the de facto complainant by using knife and broken bottles in his neck but admits that the injured has been discharged from the hospital and that the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that the injured has been discharged from the hospital 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 directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.440 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 Judicial Magistrate Court, Palacode, Dharmapuri District, 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 defacto complainant is permitted to withdraw the said deposit amount of Rs.10,000/- (Rupees Ten Thousand Only) on proper identification and acknowledgment.

(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/-
17/12/2021

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,
PALACODE, DHARMAPURI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
DHARMAPURI [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
MARANDAHALLI POLICE STATION,
DHARAMAPURI DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, DHARMAPURI.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. C.PRABAKARAN Advocate on payment of necessary charges SR.NO.15034

CRL OP.24830/2021

Date :17/12/2021

JPA 20/12/2021