



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2021

CORAM:

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

Crl.O.P.No. 24947 of 2021

V.Selvakumar

...Petitioner

Vs.

The Inspector of Police
Kachirapaliaym Police Station,
Kallakurichi District.
(Crime No: 659 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.659 of 2021 pending on the file of the respondent Police.

For Petitioner : Mr.T.Balachandran

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

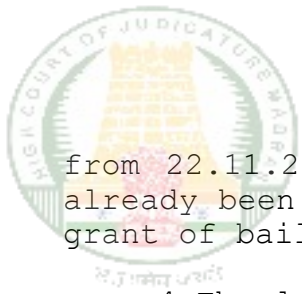
ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 22.11.2021 for the offences under Sections 294(b), 323, 324, 326, 506(ii) and 307 of I.P.C., in Crime No.659 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 19.11.2021 at about 9.00 p.m., the petitioner and others waylaid the de facto complainant and another person and attacked them with hands and deadly weapons and also threatened with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner/A1 would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and that the petitioner has been suffering incarceration for more than 25 days



from 22.11.2021. He would further submit that the co-accused/a2 has already been released on Anticipatory bail. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) would raise strong objection stating that the petitioner is arrayed as A1 and he along with other accused attacked the de facto complainant and other person by using knives and thereby, the victims sustained grievous injuries and admitted as in-patient in the Government Hospital but admits that the injured have been discharged from the hospital on 04.12.2021. He would further submit that the petitioner has got one previous case and 2 knives have been recovered that the investigation is almost completed.

5. Considering the facts and circumstances of the case and the fact that injured have been discharged from the hospital 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.20,000/- (Rupees Twenty Thousand Only) to the credit of Crime No.659 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-I, Kallakurichi, Kallakurichi 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 daily at 10.30 a.m. until further orders.

(c) the injured are permitted to withdraw the deposit amount of Rs.20,000/- (Each victim Rs.10,000/-) 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/-

20/12/2021

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.I, KALLAKURICHI, KALLAKURICHI DISTRICT.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, CUDDALORE.

4 THE INSPECTOR OF POLICE
KACHIRAPALIAYM POLICE STATION,
KALLAKURICHI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.T.BALACHANDRAN Advocate on payment of necessary charges SR.NO.15113

CRL OP.24947/2021

Date :20/12/2021

RW 21/12/2021