



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

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

Crl.O.P.No.687 of 2022

Loganathan @ Kutty Puli

... Petitioner

Vs.

State rep by
The Inspector of Police,
Arani Police Station,
Thiruvallur District.
(Crime No.281 of 2021)

... Respondent

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.281 of 2021 on the file of respondent police.

For Petitioner : Mr.R.Sasikumar

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

ORDER

The petitioner who was arrested and remanded to judicial custody on 23.11.2021 for the offences under Sections 294(b), 323, 324, 506 (ii) and 307 of IPC, in Crime No.281 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 21.11.2021, there was a wordy quarrel due to land dispute, the petitioner abused and assaulted his brother viz., Mani with knife in his stomach as a result of which, he sustained injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he is no way connected with the alleged offence. He would further submit that the petitioner has been suffering incarceration for more than 40 days from 23.11.2021. Hence, he would pray for grant of bail to the petitioner.



4. The learned Government Advocate (Crl. Side) appearing for the respondent would raise objection stating that due to land dispute, the petitioner attacked his own brother by using knife due to which, he suffered injuries and admitted in the hospital. He would further submit now the injured has been discharged from the hospital however, he suffered 30 sutures on his stomach but admits that the investigation is almost completed.

5. Considering the facts and circumstances of the case and that the injured has 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.

(a) Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees ten thousand only), before the Superintendent of the concerned prison, in which the petitioner has been confined and thereafter on his release;

(b) the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Judicial Magistrate No.I, Ponneri, within 15 days from the date of commencement of the Court's normal functioning, failing which the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall stay at Thiruvallur and report before the town police station daily at 10.30 a.m., until further orders;

(f) the petitioner shall not commit any offences of similar nature;

(g) the petitioner shall not abscond either during investigation or trial;

(h) the petitioner shall not tamper with evidence or witness either during investigation or trial;



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(i) on breach of any of the aforesaid conditions, the learned Judicial 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];

(j) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

12/01/2022

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, PONNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ARANI POLICE STATION,
TIRUVALLUR DISTRICT

4 THE OFFICER INCHARGE,
SUB JAIL, PONNERI

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE OFFICER INCHARGE,
TOWN POLICE STATION, THIRUVALLUR.

+1 CC to M/S. R.SASIKUMAR Advocate on payment of necessary charges SR.NO.598

CRL OP.687/2022

Date :12/01/2022

JPA 19/01/2022