



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2022

CORAM:

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

Cr1.O.P.No.1584 of 2022

Kasi

... Petitioner

Vs.

State rep. by
The Inspector of Police,
Jamunamarathur Police Station,
Thiruvannamalai District
(Crime No.305 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.305 of 2021 pending investigation on the file of the Respondent Police.

For Petitioner : Mr.S.Rajesh

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 31.10.2021 for the offence under Sections 337 IPC r/w 25 (1B) (a) IA Act @ into 337, 307, IPC and 25(1B) (a), 27(1) IA Act, in Crime No. 305 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 30.10.2021 at about 12.30 noon, when the defacto complainant was grazing sheep near his village, he heard a blasting sound and subsequently, he got injured due to bullets went off his left hand and legs. Hence, the complaint.

3.The learned counsel for the petitioner 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 this is the second application for bail and the earlier application was dismissed by this



Court in CrI.O.P.No.24527 of 2021 by order dated 16.12.2021 and that the petitioner has been suffering incarceration for more than 85 days from 31.10.2021. Hence, he would pray for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would raise objection stating that the victim suffered gun shot injuries all over his body and though he has been discharged from the hospital, he took treatment for 42 days but admits 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 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.

(a) Accordingly, the petitioner is directed to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of Crime No.305 of 2021. On proof of such deposit, 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-Polur, 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 report before the respondent police on every Monday and Wednesday at 10.30 a.m. until further orders.

(e) the defacto complainant is permitted to withdraw the deposit amount of Rs.50,000/- (Rupees Fifty Thousand Only) on proper identification and acknowledgement.

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



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

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

(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/-
25/01/2022

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,
POLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION],

3 THE INSPECTOR OF POLICE,
JAMUNAMARATHUR POLICE STATION,
TIRUVANNAMALAI DISTRICT



4 THE OFFICER INCHARGE,
SUB JAIL, THIRUVANNAMALAI

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.RAJESH Advocate on payment of necessary charges
SR.NO.1114

CRL OP.1584/2022

Date :25/01/2022

JPA 27/01/2022