



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2022

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Crl.O.P.No.872 of 2022

Varathan

... Petitioner

Versus

The State Represented by its
Inspector of Police,
Modakuruchi Police Station,
Erode District.
(Crime No.337 of 2021)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C
praying to enlarge the petitioner on bail pending investigation in
Crime No.337 of 2021 on the file of the respondent police.

For Petitioner : Mr.M.Mariappan

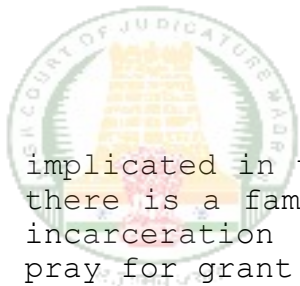
For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl.Side)

ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.12.2021 for the offence under Sections 294(b), 307 & 506(ii) of IPC, in Crime No.337 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner had quarrel with the defacto complainant and assaulted the victim who is the mother of defacto complainant with aruval with an intention to commit murder and there by caused grievous injuries and also threatened her with dire consequences and admitted to the hospital. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely



implicated in this case. He further submitted that they live together, there is a family dispute between them and that he has been suffering incarceration for more than 25 days from 15.12.2021. 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 had quarrel with the defacto complainant and assaulted the victim/mother of defacto complainant, there by caused grievous injuries and admitted to the hospital. He would further submit now the injured has been discharged from the hospital however, she suffered 11 sutures on her head but admits that the investigation is almost completed.

5. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.Side), this Court is inclined to grant bail to the petitioner on condition that the petitioner should not compel the victim with any harassment for the matrimonial issues and 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, Additional Mahila Court, Erode, 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 daily at 10.30 a.m., until further orders;

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

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



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

(h) 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];

(i) 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,
ADDITIONAL MAHILA COURT, ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
MODAKURUCHI POLICE STATION,
ERODE DISTRICT

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M.MARIAPPAN Advocate on payment of necessary charges
SR.NO. 635

CRL OP.872/2022

Date :12/01/2022

JPA 19/01/2022