



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2022

CORAM:

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

Cr1.O.P.No.2159 of 2022

Gunasekaran

...Petitioner

Vs.

The State rep by
The Inspector of Police,
Thellar Police Station,
Thiruvannamalai District.
(Crime No.03 of 2022)

... 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.03 of 2022 pending investigation on the file of the Respondent police.

For Petitioner : Mr.S.Silambu Selvan

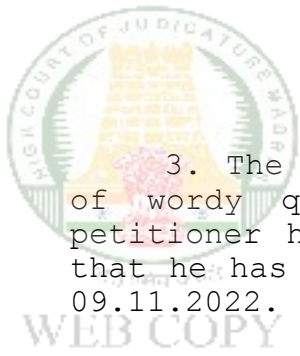
For Respondent : Mr.N.S.Suganthan
(Government Advocate Cr1. Side)

O R D E R

(The case has been heard through video conference)

The petitioner who was arrested and remanded to judicial custody on 09.11.2021 for the offence under Section 307 of IPC, in Crime No.03 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is the mother and the victim is the father of the petitioner. The father of the petitioner used to quarrel with the family members in a drunken state. While so, on the date of occurrence also, the father of the petitioner picked up a quarrel with the family members and enraged by the same, the petitioner had a wordy quarrel with his father and subsequently, they assaulted with each other as a result of which, the father of the petitioner sustained injuries. Hence, the complaint.



3. The learned Counsel for the petitioner would submit that out of wordy quarrel, the alleged occurrence had happened and the petitioner has got no intention to cause injuries on his father and that he has been suffering incarceration for more than 50 days from 09.11.2022. Hence, he would pray for grant of bail to the petitioner.

4. The learned Government Advocate (Crl. Side) raised objection but admits that the injured has been discharged from the hospital and the investigation is almost completed.

5. On seeing the family situation 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.

(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, Vandavasi, 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 Tuesday at 10.30 a.m. until further orders. The petitioner shall not disturb the family members.

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

(f) the petitioner shall not abscond during trial;

(g) the petitioner shall not tamper with evidence or witness during 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.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-

01/02/2022

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,
VANDAVASI, THIRUVANNAMALAI DISTRICT.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, VELLORE.

4 THE INSPECTOR OF POLICE,
THELLAR POLICE STATION,
THIRUVANNAMALAI DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.SILAMBU SELVAN Advocate on payment of necessary charges SR.NO.1593

CRL OP.2159/2022

Date :01/02/2022

RW 02/02/2022