



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.1943 of 2022

Santhakumar

...Petitioner

Vs.

State rep by
The Inspector of Police,
Vishnu Kanchi Police Station
Kanchipum District
(Crime No.1820 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.1820 of 2021 on the file of the Respondent police.

For Petitioner : Mr.A.Saranraj

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 22.12.2021 for the offences under Sections 294(b), 307, 323, 326, 506(ii) IPC read with Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2002, in Crime No.1820 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 16.12.2021, the petitioner assaulted the defacto complainant's husband with iron rod and thereby, he sustained injuries on his chest, shoulder and face. Hence, the case.

3.The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are friends and he has not committed any offence as alleged by the prosecution and a false case has been foisted against him. He would further submit that the petitioner has been suffering incarceration for 10 days from 22.12.2021. 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 and the husband of the defacto complainant used to consume alcohol. Hence, the defacto complainant advised and stopped the her husband from consuming alcohol with the petitioner. Aggrieved by the same, on the date of occurrence, the petitioner in a drunken state abused and pulled the Saree of the defacto complainant. Hence, the husband of the defacto complainant attempted to prevent the petitioner. At that time, the petitioner assaulted him with iron rod due to which, he sustained injuries in the shoulder and two ribs of the chest got broken and he also undergone a surgery and that the defacto complainant also sustained injuries in the incident but admits that the injures has been discharged from the hospital and the investigation is almost completed.

5. Considering the fact above facts and circumstances of the case 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 is directed to deposit a sum of Rs.10,000/- (Rupees Ten Thousand Only) to the credit of Crime No.1820 of 2021 and on such deposit, the petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the Learned Judicial Magistrate-I, Kanchipuram, 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;

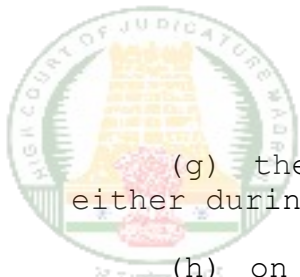
(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police on Monday at 10.30 a.m. until further orders.

(e) the defacto complainant is permitted to withdraw the deposit amount of Rs.10,000/- (Rupees Ten Thousand Only) on proper identification and acknowledgement.

(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.

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,
NO.I, KANCHIPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU.[FOR INFORMATION]

3 THE OFFICER INCHARGE,
SUB JAIL, TIRUTANI.

4 THE INSPECTOR OF POLICE,
VISHNU KANCHI POLICE STATION,
KANCHIPURAM DISTRICT.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to A.SARANRAJ Advocate on payment of necessary charges
SR.NO.1595

CRL OP.1943/2022

Date :01/02/2022

RW 02/02/2022