



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2022

CORAM:

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

Crl.O.P.No.3261 of 2022

Sathish

...Petitioner

Vs.

State Rep by
The Sub Inspector of Police
G-1, Town West Police Station,
The Nilgirs.
(Crime No.214 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 connection with the case in Crime No.214 of 2021 on the file of the respondent police.

For Petitioner	: Mr.M.Guruprasad
For Respondent	: Mr.L.Baskaran Additional Public Prosecutor

ORDER

The petitioner who was arrested and remanded to judicial custody on **28.10.2021** for the offence under Section 294(b), 324 and 307 of IPC in **Crime No.214 of 2021**, on the file of the respondent police seeks bail.

2. The case of the prosecution is that there was an illicit relationship between the petitioner and defacto complainant's wife, due to which, the defacto complainant along with his wife left to Tiruppur and returned back to Ooty before six months. Again, the petitioner tortured the defacto complainant's wife and trespassed into the defacto complainant house and the same was questioned by the defacto complainant and his wife's brother, following which, the petitioner allegedly entered into the defacto complainant house abused them in filthy language and assaulted the defacto complainant with knife. Hence, the complaint.



3. The learned counsel for the petitioner would submit that the petitioner is the sole accused and the investigation almost completed and charge also taken on file in P.R.C. No. 1 of 2022 before the trial Court. He further submits that the petitioner has been suffering incarceration for more than 110 days from **27.10.2021**. He would pray for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor raised objection but admits that the charge sheet has been filed and the same has been taken on file.

5. Considering the period of incarceration undergone by the petitioner and the charge sheet also taken on file in P.R.C.NO.1 of 2022 and the investigation almost completed, this Court is inclined to grant bail to the petitioner on certain conditions.

(a) the petitioner is ordered to be released on bail on executing a bond **for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the Learned Judicial Magistrate, Udhagamandalam.**

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) **the petitioner shall report before the respondent police daily at 10.20 a.m., for a period of two months and thereafter as and when required for interrogation;**

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

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

(f) on breach of any of the aforesaid conditions, the learned 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]***; and;



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

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-sd/-
11/02/2022

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,
UDHAGAMANDALAM, NILGIRIS.

2 THE CHIEF JUDICIAL MAGISTRATE
NILGIRIS. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
G-1, TOWN WEST POLICE STATION,
THE NILGIRS.

5 THE SUPERINTENDENT,
CENTRAL JAIL, COIMBATORE.

+1 CC to M/S. M.GURUPRASAD Advocate on payment of necessary charges SR.NO.2271

CRL OP.3261/2022

Date :11/02/2022

TA-11/02/2022