



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.02.2022

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

CrI.O.P.No.3345 of 2022

Harish

...Petitioner

Vs.

The State Rep. by
The Inspector of Police,
Hosur Town Police Station,
Krishnagiri District.
(Crime No.34 of 2022)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying enlarge the petitioner on bail in Crime No.34 of 2022 pending investigation on the file of the respondent police.

For Petitioner : Mr.M.P.Saravanan

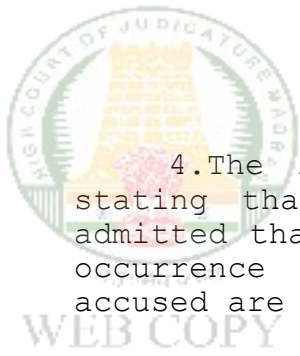
For Respondent : Mrs.G.V.Kasthuri
Additional Public Prosecutor

O R D E R

The petitioner, who was arrested and remanded to judicial custody on 20.01.2022 for the offences punishable under Section 294(b), 323, 307 in Crime No.34 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to previous enmity, the petitioner joined with other accused, consumed liquor and abused the defacto complainant in filthy language and also attacked him by using deadly weapons. Therefore, the defacto complainant sustained grievous injuries. Hence, the complaint.

3. The learned Counsel appearing for the petitioner would submit that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that other accused in the alleged occurrence are all released on bail and as of now, the person who sustained injury has also discharged from the hospital. He would specifically submit that the petitioner is in the judicial custody from 12.01.2022 onwards. Hence, he prays for bail.



4.The learned Additional Public Prosecutor raised objection stating that the investigation is pending. However, she fairly admitted that the injured person who sustained injury in the alleged occurrence has discharged from the hospital. Further, the other accused are all enlarged on bail, by this Court.

5.Submissions made by the learned Counsels on either sides are considered. It seems that the respondent police has registered a case against this petitioner and others for the offences punishable under sections 294(b), 323, 307. Since, the person who sustained injury is discharged from the hospital, custodial interrogation may not be necessary for completing the investigation. Further, the petitioner is in the judicial custody from 12.01.2022. Taking into consideration of the nature of offence committed by the petitioner and particularly considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Hosur.

(ii) the petitioner is directed to appear before the respondent police daily at 10.00 a.m. for a period of 30 days and thereafter, as and when required for interrogation;

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

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

(v) 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].

-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,
NO.II, HOSUR

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 INSPECTOR OF POLICE,
HOSUR TOWN POLICE STATION,
KRISHNAGIRI DISTRICT

CC to M/S M.P.SARAVANAN Advocate on payment of necessary
charges

CRL OP.3345/2022

Date :11/02/2022

RVR 14/02/2022