



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P. No.3888 of 2022

Palanikumar

... Petitioner / Accused

versus

The State of Tamil Nadu
Rep. by the Inspector of Police
Anupparpalayam Police Station,
Tiruppur District.
(Crime No.90 of 2022)

... Respondent / Complainant

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C., praying to enlarge the petitioner on bail in Crime No.90 of 2022 on the file of the respondent police.

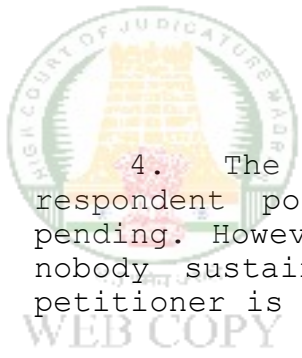
For Petitioner	:	Mr.Deepan Uday
For Respondent	:	Mrs.G.V.Kasthuri Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 02.02.2022 for the offences punishable under Sections 294(b), 341, 323, 307 and 506(ii) of IPC in Crime No.90 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to money dispute, the petitioner abused the *de facto* complainant in filthy language and also attacked him by using deadly weapon. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that in the alleged occurrence, nobody sustained injury, in otherwise, the respondent police falsely implicated this petitioner for the offence punishable under Section 307 of IPC. It is his specific submission that the petitioner is in judicial custody from 02.02.2022 onwards. Hence, he prays for bail.



4. The learned Additional Public Prosecutor appearing for the respondent police raised objection stating that investigation is pending. However, she fairly admits that, in the alleged occurrence, nobody sustained injury. It is her specific submission that the petitioner is having 3 previous cases.

5. The submissions made by the learned counsel appearing on either side are considered.

6. It seems that the respondent police registered a case against this petitioner for the offences punishable under Sections 294 (b), 341, 323, 307 and 506(ii) of IPC. Admittedly, none sustained injury in the alleged occurrence. In the said circumstances, I do not understand under what principle the petitioner has been arrested for the offence punishable under Section 307 of IPC. Though the petitioner is having the following previous cases, the offence stated in the below mentioned cases, are not serious in nature.

Sl.No	Crime Number	Section
1.	517/2021	120 (b), 153 (A), 505 (1) (C), 507 of IPC
2.	380/2021	294 (b), 323, 427, 506(ii) of IPC
3.	102/2022	294 (b), 506 (i), 4 of Women Harassment Act

7. Therefore, taking note of all the above said aspects into consideration and having regard to the nature of offence committed by the petitioner and also by considering the period of incarceration, this Court is inclined to grant bail to the petitioner subject to certain conditions. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions;

(a) 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.III, Tiruppur District;

(b) 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;

(c) the petitioner is directed to appear before the respondent police daily at 10.30 a.m. until further orders;

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



(e) 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];

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

-sd/-

17/02/2022

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.III, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ANUPPARPALAYAM POLICE STATION,
TIRUPPUR DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, COIMBATORE.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

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

CRL OP.3888/2022

Date :17/02/2022

CSK 18/02/2022