



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P. No.4096 of 2022

Selvaraj

... Petitioner / A-1

versus

State Rep. By its,
The Inspector of Police,
Karumalaikoodal Police Station,
Salem District.
(Crime No.12 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.12 of 2022 on the file of the respondent police.

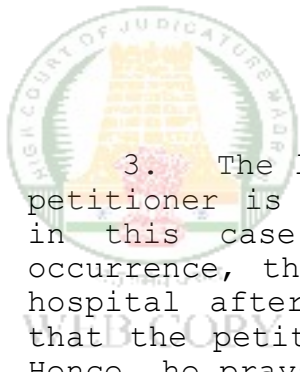
For Petitioner : Mr.C.Deepak Kumar

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

ORDER

The petitioner, who was arrested and remanded to judicial custody on 17.01.2022 for the offences punishable under Sections 341, 294(b) and 307 of IPC in Crime No.12 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to matrimonial dispute, the de facto complainant is living separately and she developed illegal relationship with the petitioner. Due to which, the petitioner demanded her to marry him but she refused the same. While so, on 14.01.2022 at about 08.00 p.m., when the de facto complainant was walking near Thangamapuripattinam Santhai, the petitioner waylaid, abused her with filthy language and assaulted on her head, neck and hands with Koduval and caused grievous injuries. Hence, the compliant.



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 after the alleged occurrence, the person, who sustained injury was discharged from the hospital after completing treatment. It is his specific submission that the petitioner is in judicial custody from 17.01.2022 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, the injured in this case has left from the hospital against the advice given by the Doctor.

5. Considered the submissions made by the learned counsel appearing on either side. The respondent police registered a case against the petitioner for the offences punishable under Sections 341, 294(b) and 307 of IPC. The averments found in the First Information Report would disclose the fact that the petitioner and the de facto complainant were married to different persons and were having illicit relationship and as a result of which, the petitioner assaulted the de facto complainant. Since, the injured is discharged from the hospital, custodial interrogation of the petitioner may not be necessary. The petitioner is the first time offender and he is in judicial custody from 17.01.2022.

6. 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.II, Mettur;

(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 10.00 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/-
18/02/2022

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, METTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
KARUMALAIKODAL POLICE STATION,
SALEM DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.C.DEEPAK KUMAR Advocate on payment of necessary charges

CRL OP.4096/2022

Date :18/02/2022

JPA 21/02/2022