



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2022

WEB COPY

CORAM:

THE HON'BLE Dr. JUSTICE G.JAYACHANDRAN

Cr1.O.P.No.5785 of 2022

Sathyamoorthy

.. Petitioner

Vs.

State rep. by

.. Respondent

The Inspector of Police,
Tiruvanamalai Taluk Police Station,
Tiruvanamalai District.
(Crime No.105 of 2022)

PRAYER: Criminal Original Petition has been filed under Section 439 of Cr.P.C praying to enlarge the petitioner on bail in Crime No.105 of 2022 pending investigation on the file of the respondent police.

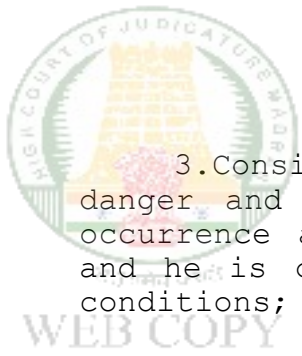
For Petitioner : Mr.R.Vijayakumar.

For Respondent : M/s.G.V.Kasthuri
Additional Public Prosecutor

ORDER

The petitioner/A2, who was arrested on 09.02.2022 for the offences punishable under Sections 294(b), 324, 307 of IPC read with 34 of IPC and 25(1B)(a), 27(1) of Arms Act in Crime No.105 of 2022, on the file of the respondent police, seeks bail.

2. The First Information Report indicates that the first accused instigated this petitioner/A2 to shoot at the defacto complainant using unlicensed country gun causing injury on the left elbow and left thigh of the defacto complainant. The petitioner was arrested on 09.02.2022. The injured defacto complainant was discharged from the hospital on 09.03.2022. It appears from the F.I.R that the defacto complainant has developed extramarital affair with the wife of the first accused and when they were talking in front of their house during the late hours on 08.02.2022, the first accused has instigated this petitioner to fire at the defacto complainant.



3.Considering the fact that the defacto complainant is out of danger and discharged from the hospital, the weapon used for the occurrence already been seized, bail is granted to the petitioner and he is ordered to be released on bail subject to the following conditions;

(a) The petitioner shall execute a bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand only)** with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thiruvannamalai.

(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 stay at Villupuram and report before Villupuram Town 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
14/03/2022

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, THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
TIRUVANNAMALAI TALUK POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE OFFICER INCHARGE
SUB JAIL, POLUR.

6 THE OFFICER INCHARGE
VILLUPURAM TOWN POLICE,
VILLUPURAM.

+1 CC to M/S.R. VIJAYAKUMAR Advocate on payment of necessary
charges SR.NO.3830

CRL OP.5785/2022

Date :14/03/2022

TA-14/03/2022