



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.11355 of 2022

PRAKASH

[PETITIONER / ACCUSED]

Vs

STATE REP BY ITS
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUCHENGODE,
NAMAKKAL.
(CRIME NO.8 OF 2022)

[RESPONDENT]

For Petitioner : M/S.W.CAMYLES GANDHI Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate (CrI. Side)

PETITION FOR BAIL 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 18.03.2022 for the alleged offence under Sections 449, 294 (b) and 506(i) IPC in Crime No.8 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that A1, who is the father of the petitioner, trespassed into the house of the defacto complainant, when the mentally challenged daughter of the defacto complainant, aged about 18 years was alone in the house. When the same was questioned by the defacto complainant, the petitioner along with A1 abused the defacto complainant and also threatened her. The petitioner has been arrayed as A2 in this case.

3.Heard Mr.W.Camyles Gandhi, learned counsel for the petitioner and Mr.S.Santhosh, learned Government Advocate (CrI.side) for the respondent.



4.The bail petition filed by the petitioner was dismissed by the Sessions Court only on the ground that A1 is absconding and the investigation was in progress and the matter involved serious allegations made against A1. When the matter was taken up for hearing before this Court on 11.05.2022, the same situation continued and hence, the bail petition was dismissed as withdrawn.

5.The learned counsel for the petitioner submitted that A1 was arrested and remanded to judicial custody on 13.05.2022 and this is the change in circumstance, under which, the present bail petition has been filed.

6.Taking into consideration the facts and circumstances of the case and also the fact that A1 has already been arrested and remanded to judicial custody and there are no previous cases against the petitioner and the petitioner has already suffered incarceration from 18.03.2022, this Court is inclined to enlarge the petitioner on bail subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.5,000/- (Rupees Five Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Tiruchengode and on further conditions that:-

[a] 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.

[b] the petitioner shall report before the respondent police every Monday at 6.30 p.m. for a period of four weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned 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 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.

WEB COPY

-sd/-
18/05/2022

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,
TIRUCHENGODE.

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL DISTRICT. [FOR INFORMATION]

3 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUCHENGODE, NAMAKKAL.

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO. 7224

CRL OP.11355/2022

Date :18/05/2022

RW 19/05/2022