



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2022

CORAM

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THE HON'BLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.OP.No.15063 of 2022

Deenadhayalan

.. Petitioner/A2

Vs.

The State rep by its,
The Inspector of Police,
T-4, Madhuravoyal Police Station,
Chennai District
crime No.309 of 2022

.. Respondent

PRAYER:

Criminal Original Petition is filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in crime No.309 of 2022 on the file of the respondent police.

For Petitioner : Mr.S.Rakesh

For Respondent : Mr.A.Damodaran,
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 05.06.2022 for the offence punishable under Sections 294(b), 326A, 506(ii) of IPC in crime No.309 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that the defacto complainant one, Ashwini who fell in love with one Parthiban. At the same time, A1 one, Aiswariya also had a love affair with the above said Parthiban. Due to which, an enmity had arose between the complainant and A1. On the day of occurrence, A1 went to the house of the complainant and poured acid in her face and her mother's face and thereafter she escaped in the petitioner's vehicle. Hence, the case.



3. The learned counsel appearing for the petitioner would submit that the petitioner picked up A1 in his vehicle after commission of the offence and except this allegation, no specific overt act against this petitioner. Hence, he prays to grant bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that there are totally two accused, in which the petitioner is arrayed as A2. On the date of occurrence, A1 poured acid on the face of the defacto complainant and A2 was present at the scene of occurrence.

5. Even according to the case of the prosecution, A1 poured acid on the face of the defacto complainant due to triangular love between them and at the place of occurrence, the petitioner was present. Considering the above facts and circumstances of the case and also the period of incarceration by the petitioner from the date of his arrest i.e. 05.06.2022, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two blood related sureties, each for a like sum to the satisfaction of the Judicial Magistrate Court No.II at Poonamallee 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 stay at Coimbatore and report before the Inspector of Police, Peelamedu Police Station, Coimbatore daily at 10.30 a.m. and 05.30 p.m. for a period of three weeks and thereafter report before the respondent police daily at 10.30 a.m. and 05.30 p.m. until further orders.

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

[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 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/-
30/06/2022

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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, POONAMALLEE

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
T4, MADHURAVOYAL POLICE STATION,
CHENNAI.

4 THE SUPERINTENDENT,
CENTRAL PRISON, PUZHAI, CHENNAI

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

6 THE INSPECTOR OF POLICE,
PEELAMEDU POLICE STATION, COIMBATORE

+1 CC to M/S. T.MURUGANANTHAM Advocate on payment of necessary charges SR.NO.10449

CRL OP.15063/2022

Date :30/06/2022

JPA 01/07/2022