



WEB COPY



Crl.OP.No.15943 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2022

CORAM

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

Crl.OP.No.15943 of 2022

S.James

..Petitioner/accused

Vs.

State through
The Inspector of Police,
Gingee Police Station,
crime No.281 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.281 of 2022 on the
file of the respondent police.

For Petitioner : Mr.M.Premraj

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

ORDER

The petitioner, who was arrested and remanded to judicial
custody on 04.06.2022 for the offence punishable under Sections 294(b),



Crl.OP.No.15943 of 2022

324 and 307 of IPC and Section 4 of TNPWH Act in crime No.281 of 2022 on the file of the respondent police, seeks bail.

2. It is the case of the prosecution that on the date of occurrence, the petitioner attacked the defacto complainant. Hence, the case.

3. The learned counsel appearing 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 the petitioner and the defacto complainant got married and have two children. While being so, the petitioner came to know about her illegal relationship with one, Vikram. Therefore, the petitioner quarrelled with her and so, she left the matrimonial home before four months. On the day of occurrence, when the petitioner went to the defacto complainant's parent's house along with his younger daughter, at that time she had illegal sexual contact with the said Vikram. Therefore, the petitioner only quarrelled with her. Hence, he prays to grant bail to the petitioner.



CrI.OP.No.15943 of 2022

WEB COPY

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the injured has been discharged from the hospital on 15.06.2022. However, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also considering that the injured has been discharged from the hospital, 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 learned Judicial Magistrate, Gingee 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 daily at 10.30 a.m. and 05.30 p.m. for a period of four weeks and thereafter report before the respondent police as and when required for interrogation.



CrI.OP.No.15943 of 2022

[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.

08.07.2022

lok



WEB COPY



Crl.OP.No.15943 of 2022

G.K.ILANTHIRAIYAN, J.

lok



Crl.OP.No.15943 of 2022

WEB COPY

To

- 1.The learned Judicial Magistrate,
Gingee
- 2.The Inspector of Police,
Gingee Police Station,
- 3.Sub Jail,
Gingee
- 4.The Public Prosecutor,
High Court of Madras

Crl.O.P.No.15943 of 2022

08.07.2022