



Crl.O.P.No.24953 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2022

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.24953 of 2022

Vanakkara Senthil @ Senthilkumar

... Petitioner

Vs.

State represented by,
The Inspector of Police,
Mecheri Police Station,
Salem District.

(Crime No.366/2022)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in Crime No.366 of 2022 on the file
of the respondent.

For Petitioner : Mr.M.Mariappan

For Respondent : Mr.C.E.Pratap
Government Advocate (Crl.Side)



WEB COPY



Crl.O.P.No.24953 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 15.08.2022 for the offences punishable under Sections 294(b) and 307 of IPC in Crime No.366 of 2022 on the file of the Respondent Police, seeks bail.

2. The case of the Prosecution is that the petitioner was having illicit intimacy with the wife of the de-facto complainant's brother and when it was questioned by the de-facto complainant's father, the petitioner has abused him in a filthy language and assaulted him with knife, caused severe injuries. Hence, the complaint.

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 de-facto complainant suspecting that the petitioner was having illicit intimacy with her brother's wife, has given a false complaint against him. He would also submit that the investigation has been completed and the injured has also been discharged



Crl.O.P.No.24953 of 2022

from the hospital. He would further submit that petitioner is in custody from 15.08.2022 and hence, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that on account of the petitioner having illicit intimacy with the wife of the de-facto complainant's brother, the father of the de-facto complainant has questioned the petitioner and there was a quarrel between them and during which, the petitioner has assaulted the de-facto complainant's father with knife, causing severe injuries. He would further submit that the injured has been treated as in-patient and discharged from the hospital on 05.09.2022. He would also submit that the investigation has been completed and the charge sheet has also been filed before the learned Judicial Magistrate - II, Mettur and also state that there is no previous case as against the petitioner. Hence, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record.



Crl.O.P.No.24953 of 2022

WEB COPY

6. Taking into consideration the facts and the submissions of the learned counsel for the petitioner and also considering the fact that the injured has been discharged from the hospital and there is no previous case as against the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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, Salem**, 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 **learned Judicial Magistrate No.II, Mettur, Salem** everyday at **10.30 a.m., until further orders;**

[c] the petitioner shall not abscond during trial;



WEB COPY



CrI.O.P.No.24953 of 2022

[d] the petitioner shall not tamper with evidence or witness during 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 abscond, a fresh FIR can be registered under Section 229A IPC.

14.10.2022

ham

To

1.The Judicial Magistrate No.II, Mettur, Salem.

2.The Inspector of Police,
Mecheri Police Station,
Salem District.

3.The Central Prison, Salem.

4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.24953 of 2022

A.D.JAGADISH CHANDIRA,J.

ham

Crl.O.P.No.24953 of 2022

14.10.2022