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Crl.O.P.No. 24992 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

CORAM

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

Crl.O.P.No.24992 of 2022

Vijayakumar

... Petitioner

Vs.

The State
Rep. by its Inspector of Police,
Walajapet police station,
Walajapet
Vellore District
(Crime No.428 of 2022

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the Petitioner's on Bail in the event of their arrest in Crime
No.428 of 2022 pending investigation on the file of the respondent.

For Petitioner : Mr.Somasekar

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 22.09.2022, for the offences punishable under Sections 341, 294(b), 324 and 307 of IPC, in Crime No.428 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner, who is the brother-in-law of the victim, due to a matrimonial dispute, had inflicted stabbed injuries on the right hand and shoulders of the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is none other than the brother-in-law of the victim. He would also submit that the victim married the sister of the petitioner against the wishes of the family members and thereafter, they were living together and during such time, the victim had assaulted the sister of the petitioner and had driven her out of the matrimonial home and when it was questioned by the petitioner, there was a quarrel and during the quarrel, the said occurrence



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had happened. He would further submit that there are no previous cases as against the petitioner, the said incident had happened out the matrimonial dispute and the injured has also been discharged from the hospital. Therefore, he prays for grant of bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner is the brother-in-law of the victim and due to matrimonial dispute, the petitioner had assaulted him, resulting in him sustaining injuries in his right hand and shoulders. He would also state that the injured has also been discharged from the hospital and there are no cases 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..

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel, this Court is inclined



to grant bail to the petitioner with certain conditions.

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)** each with **two sureties**, each for a like sum to the satisfaction of the **learned Judicial Magistrate Court-II, Walajapet, Vellore District**, 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., 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



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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.

17.10.2022

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To

1. The Judicial Magistrate Court - II,
Walajapet, Vellore District.
2. The Inspector of Police,
Walajapet police station,
Walajapet
Vellore District
- 3.The Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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