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CrI.O.P.No.26805 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2022

CORAM

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

CrI.O.P.No.26805 of 2022

Thangaraj

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Srimugai Police Station,
Coimbatore District.

(Crime No.279/2022).

... Respondent

PRAYER: Criminal Original Petitions filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail in connection with the Crime No.279
of 2022 pending investigation on the file of the respondent Police.

For Petitioner : Mr.S.N.Chinnaraj

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



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.10.2022, for the offences punishable under Sections 294(b), 506(ii) & 307 IPC, in Crime No.279 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that since the de-facto complainant questioned the illicit intimacy of the petitioner with his wife, the petitioner had abused him in a filthy language and assaulted him with aruval, due to which, he sustained injuries. Hence, the case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and the de-facto complainant suspecting that the petitioner was having illicit intimacy with his wife, had given a false complaint as against the petitioner, as if the petitioner has assaulted him. He would further submit that the petitioner is in custody from 14.10.2022 and he is prepared to abide by any stringent conditions that may be imposed by this Court and hence, he prays for grant of bail to the petitioner.



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4. The Government Advocate (Crl.Side) appearing for the respondent police would submit that when the de-facto complainant questioned the illicit intimacy of the petitioner with his wife, the petitioner had assaulted him with aruval, due to which, he sustained injuries. He would also submit that the injured has been discharged from the hospital. He would further submit that there is no previous case as against the petitioner. However, he oppose for grant of 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 and also taking note of the fact that the injured has been discharged from the hospital, 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)** with **two sureties**, each for a like sum to the satisfaction of



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the learned Judicial Magistrate, Mettupalayam, 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 everyday at 10.30 a.m. and 5.30p.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]*;



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[f] If the accused thereafter abscond, a fresh FIR
can be registered under Section 229A IPC.

03.11.2022

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To

1. The Judicial Magistrate,
Mettupalayam.
2. The Inspector of Police,
Srimugai Police Station,
Coimbatore District.
3. The Central Prison
Coimbatore District.
4. The Public Prosecutor,
High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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