



WEB COPY



CrI.O.P.No.5274 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM

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

CrI.O.P.No.5274 of 2023

Suresh

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Meensurutti Police Station,
Ariyalur District.

(Crime No.31 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleased to enlarge the petitioner on bail, in connection with the Crime No.31
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.T.Muruganantham

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor



CrI.O.P.No.5274 of 2023

WEB COPY

ORDER

The petitioner, who was arrested and remanded to judicial custody on 30.01.2023, for the alleged offence punishable under Sections 294(b) & 307 of IPC, in Crime No.31 of 2023 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Subha, is that on account of the matrimonial dispute, the accused have abused the de-facto complainant in a filthy language and assaulted her with boti knife, due to which, she sustained injuries. Hence, the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and on account of the matrimonial dispute, he has been falsely implicated in this case. He further submitted that the petitioner is in custody from 30.01.2023 and he is ready to abide by any stringent conditions that may be imposed by this Court, hence, he prayed to grant bail to the petitioner.



CrI.O.P.No.5274 of 2023

WEB COPY

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner along with his mother, with regard to the matrimonial dispute, abused the de-facto complainant in a filthy language and assaulted her with deadly weapon, resulting in which, she sustained grievous injuries. He further submitted that major part of the investigation is over, however, he vehemently opposed to grant bail to the petitioner.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the submissions made by the learned counsel for the petitioner and also considering the period of incarceration undergone by the petitioner, 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.10,000/- (Rupees Ten thousand only)**



CrI.O.P.No.5274 of 2023

with **two sureties**, each for a like sum to the satisfaction of the **learned**

Judicial Magistrate No.II, Jayankondam, 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 Chennai and report before the Inspector of Police, B2, Esplanade Police Station, everyday 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 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]***;



CrI.O.P.No.5274 of 2023

WEB COPY

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

07.03.2023

ham

To

1. The Judicial Magistrate No.II,
Jayankondam.
2. The Inspector of Police,
Meensurutti Police Station,
Ariyalur District.
3. The Central Prison,
Salem.
4. The Inspector of Police,
B2, Esplanade Police Station,
Chennai.
5. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.5274 of 2023

A.D.JAGADISH CHANDIRA.,J.

ham

Crl.O.P.No.5274 of 2023

07.03.2023