

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

CORAM

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

Crl.O.P.No.5770 of 2023

Rudharan @ Rudhara

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri.

(Crime No.77 of 2023).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail, in connection with the Crime No.77
of 2023, pending investigation on the file of the respondent Police.

For Petitioner : Mr.B.Aravinthan

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody on 20.02.2023, for the offences punishable under Sections 294(b), 326, 506(ii) of IPC, in Crime No.77 of 2023, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de-facto* complainant, Rudharan, S/o., Thimmapa, is that his sister was given in marriage to one Chinnamala and she has got 4 children. While so, his sister was eloped with the accused and she brought back before the Panchayatars and thereafter, she was living with her husband. On 16.02.2023, the accused had abused the sister of the *de-facto* complainant in a filthy language and also assaulted her with knife, due to which, she sustained injuries on her right cheek, elbow and neck. Hence the case.

3. Learned Counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that admittedly, there was a relationship between the

petitioner and the de-facto complainant's sister, due to which, the de-facto complainant and the husband of the victim have assaulted her and gave a false complaint as against the petitioner, as if he has inflicted injuries on the victim. He further submitted that the petitioner is in custody from 20.02.2023 and he is also ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prayed to grant bail to the petitioner.

4. Learned Additional Public Prosecutor appearing for the respondent police submitted that since the illicit relationship between the petitioner and victim was severed by the victim, the petitioner has gone to her house, at about 8.00 p.m., and by abusing her in a filthy language, assaulted her with knife, due to which, she sustained injuries on her right cheek, elbow and neck. He further submitted that no previous cases is pending against the petitioner and also the injured has been discharged from the hospital. However, he 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 either side of the parties and also considering 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.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned District Munsif cum Judicial Magistrate, Denkanikottai**, 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 Cuddalore and report before the Inspector of Police, Old Town Police Station, everyday at 10.30a.m. and 05.30p.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]***;

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

13.03.2023

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To

1. The District Munsif cum Judicial Magistrate,
Denkanikottai.
2. The Inspector of Police,
Denkanikottai Police Station,
Krishnagiri District.
3. The Sub Jail,
Hosur.
4. The Inspector of Police,
Old Town Police Station,
Cuddalore.
5. The Public Prosecutor,
High Court of Madras.

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A.D.JAGADISH CHANDIRA.,J.

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