



CrI.O.P.No.6090 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2023

CORAM

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

CrI.O.P.No.6090 of 2023

Selvam

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Veeranam Police Station,
Salem.

(Crime No.369 of 2022).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioner/accused on bail, in connection with the

Crime No.369 of 2022, pending on the file of respondent Police.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.C.E.Pratap
Government Advocte (crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 21.02.2023 for the offences punishable under Sections 427, 435, 294(b), 324, 506(ii) of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act @ Sections 427, 294(b), 324, 506(ii), 436 of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.369 of 2022, on the file of the respondent Police, seeks bail.

2.The case of the prosecution as per the defacto complainant, who is the son of the victim is that the mother of the defacto complainant is doing garlic vending business. The petitioner, who is an auto driver, came to be known to the mother of the complainant and started giving troubles to her by way of demanding money. When the mother of the defacto complainant refused to give money, the petitioner assaulted her and further having enraged over the same, the petitioner had damaged the window of the defacto complainant's house, poured petrol inside the house and set fire to it. On the same day, while the defacto complainant along with his mother were returning to their house, the petitioner waylaid them and attacked the defacto complainant using a beer bottle, resulting in him sustaining injuries. Hence



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the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and the mother of the defacto complainant were in relationship with the petitioner. Due to some financial dispute between them, a false complaint has been given by her son, the defacto complainant herein. He would also submit that the petitioner is ready to abide by any stringent conditions imposed that may be imposed by this Court and hence, he seeks for grant of bail to the petitioner.

4. The learned Government Advocate (crl.side) for the respondent would submit that due to financial dispute between the petitioner and the mother of the defacto complainant, the petitioner had damaged the window the defacto complainant's house, poured petrol inside the house and set fire to it. When the same was questioned by the defacto complainant, the petitioner assaulted the defacto complainant with a beer bottle. He would submit that there is one previous case registered for the offence under Section 302 of IPC pending against the petitioner. He would also submit that the injured has been discharged from the hospital. However, he opposed for grant of bail to



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the petitioner.

5.At this juncture, the learned counsel for the petitioner would submit that the petitioner is ready to stay far away from the respondent jurisdiction and he is in judicial custody from 21.02.2023. Hence, he prays for bail to the petitioner.

6.Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) and perused the materials available on record.

7. Taking into consideration the facts and circumstances of the case, the submissions made by either side of the parties and also considering the period of incarceration undergone by the petitioner and the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioner with certain conditions.

8. 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**, for a like sum to the satisfaction of the **learned**



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Additional Fast Track Mahila Judge, 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 stay at Coimbatore and report before the Inspector of Police, Race Course Police Station daily twice at 10.30 a.m and 5.30 p.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.

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A.D.JAGADISH CHANDIRA.,J.

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To

1. The Additional Mahila Judge,
Fast Track Court, Salem.
2. The Inspector of Police,
Race Course Police Station,
Coimbatore.
3. The Inspector of Police,
Veeranam Police Station,
Salem.
4. The Central Prison,
Salem.
5. The Public Prosecutor,
High Court of Madras.

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