



Crl.O.P.No.11049 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.05.2023

CORAM

THE HON'BLE MR. JUSTICE **SUNDER MOHAN**

Crl.O.P.No.11049 of 2023

Kumaresan

... Petitioner/Accused-1

Vs.

State Rep by
The Inspector of Police,
Polur-Police Station,
Tiruvannamalai District.
(Crime No.120 of 2023)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in Cr.No.120/2023 pending
investigation on the file of the respondent.

For Petitioner : Mr.Sathyaraj E
For Respondent : Mr. E.Raj Thilak
Additional Public Prosecutor

ORDER

The petitioner, who was arrested and remanded to judicial custody
on 24.04.2023, for the offences punishable under Sections 294(b), 307 IPC
in Crime No.120 of 2023 on the file of the respondent police, seeks bail.



2. The case of the prosecution is that the accused are family members and due to a property dispute among themselves, the petitioner is said to have attacked the *de facto* complainant's husband with knife and threatened him with dire consequences and due to which the *de facto* complainant's husband sustained injuries. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in judicial custody from 24.04.2023. Hence, he prayed for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police would vehemently oppose to grant bail to the petitioner stating that the petitioner had attacked the *de facto* complainant's husband with knife and due to which he sustained injuries. He further submitted that the injured has been discharged from the hospital.

5. Heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.



6. Considering the fact that the injured has been discharged from the hospital and the period of incarceration suffered by the petitioner, this Court is inclined to grant bail to the petitioner on the following conditions;

[a] 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 Judicial Magistrate, Polur, Tiruvannamalai.**

[b] 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;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

[d] the petitioner shall not abscond either during investigation or trial;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[f] 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***



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[(2005)AIR SCW 5560];

[g] If the accused thereafter abscond, a fresh FIR can be registered

under Section 229A IPC.

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11.05.2023

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To

1. The Judicial Magistrate, Polur, Tiruvannamalai.
2. The Inspector of Police,
Polur-Police Station,
Tiruvannamalai District.
3. The Central Prison, Vellore.
4. The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN,J.,

bkn/ssr

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