



Crl.OP.No.11769 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2023

CORAM

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.No.11769 of 2023

Kumar

... Petitioner

Vs.

State rep. by,
The Inspector of Police,
Thandrapattu Police Station,
Thiruvannamalai District.
(Crime No.147 of 2023)

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the Petitioner on bail in Crime No.147 of 2023, on the file
of the Respondent Police.

For Petitioner : Mr.S.Silambuselvan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl.Side)



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ORDER

The Petitioner, who was arrested and remanded to judicial custody on 08.05.2023 for the offences punishable under Sections 294(b), 307 of I.P.C. in Crime No.147 of 2023 on the file of the Respondent Police, seeks bail.

2. The case of the prosecution is that the petitioner is the brother of the *de-facto* Complainant's wife. The *de-facto* Complainant had purchased a land and patta in his name. The petitioner had brokered and purchased the said land and given to the *de-facto* Complainant for monetary commission basis. After purchase of the land, the *de-facto* Complainant had not paid the commission amount properly to the petitioner. Therefore, the petitioner had given a complaint to the respondent Police. The respondent Police, who in turn conducted an enquiry. During the course of enquiry, the *de-facto* Complainant had refused to pay the amount to the petitioner. Thereafter, while returning home, the petitioner and the *de-facto* Complainant had wordy quarrel and the petitioner abused verbally by pointing a knife at the *de-facto* Complainant. Hence, the *de-facto* Complainant lodged a Police complaint



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before the Respondent/Police, based on which the Respondent/Police registered F.I.R. against the Petitioner / Accused and arrested the Petitioner.

3. The learned Counsel appearing for the Petitioner would submit that the Petitioner is an innocent person and no way connected with the above alleged offences. He further states that the complaint is false and nobody was injured. Therefore, he prays for grant of bail to the Petitioner.

4. The learned Government Advocate (Crl.side) appearing for the Respondent objected the submissions made on behalf of the Petitioner by stating that the petitioner / Accused is brother of the *de-facto* Complainant's wife. There was a money transaction dispute between the petitioner and the *de-facto* Complainant. Due to the dispute aroused between them, the petitioner abused the *de-facto* Complainant and assaulted him with knife with an intend to cause death. He further contended that nobody was injured and the investigation is yet to be completed and if the Petitioner is let out on bail, the investigation would be hampered and hence, he opposed the grant of bail.



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5. Heard the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side) and perused the materials available on record including the First Information Report.

6. Considering the above facts and circumstances and also considering the period of incarceration suffered 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 separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, one surety shall be a blood surety, each for a like sum to the satisfaction of the learned Judicial Magistrate, Thandrapattu and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judicial / Metropolitan Magistrate may obtain a copy of their Aadhar card or voter identity card or driving license or PAN card or Bank pass Book with photo affixed and attested by Bank



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Manager to ensure their identity;

(b) the Petitioner shall report before the respondent police daily at 10.00 a.m., until further orders;

(c) the Petitioner shall not influence, threaten or coerce the witness either during investigation or trial;

(d) the Petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the Investigation Officer shall exercise the discretion to cancel the bail by approaching the Court of the learned Judicial Magistrate/Trial Court.

(f) the learned Judicial Magistrate/Trial Court shall on application for cancellation of bail bond by the Investigation Officer shall pass appropriate orders as though bail granted by the learned Judicial Magistrate/Trial Judge himself/herself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

(g) if the Accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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SATHI KUMAR SUKUMARA KURUP,J.

Jeni/Mpl

To

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

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25.05.2023