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Crl.O.P.No.5247 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

Crl.O.P.No.5247 of 2024

Sathiyaraj

... Petitioner

Vs.

State represented by
Inspector of Police,
Brammadesam Police Station,
Villupuram District.
Crime No.123 of 2024

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
prayed to enlarge the petitioner on bail in Crime No.123 of 2024 on the file
of the respondent.

For Petitioner : Mr.S.Sasikumar

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

ORDER

The petitioner who was arrested and remanded to judicial custody
on 16.02.2024 for the offences originally registered under Section 294(b),



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324, 307, 506(ii) of IPC, in Crime No.123 of 2024 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are neighbours. On 14.02.2024, the petitioner had caused grievous injuries to the defacto complainant. The injured had been admitted in the hospital on 16.02.2024 and discharged only on 07.03.2024.

3.A report had been forwarded by the Investigating Officer stating that the injured is under extreme condition owing to the injuries suffered and the cost of treatment.

4.Taking all the factors into consideration and the period of incarceration, I am inclined to grant bail to the petitioner subject to the following conditions:

5.Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 No.II, Tindivanam 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.



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[b]the petitioner shall report before the respondent police on everyday at 10.30 a.m., until further orders.

[c] the petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.123 of 2024 before the Judicial Magistrate No.II, Tindivanam. On such deposit, the learned Magistrate, may hand over the said amount to the defacto complainant. It is made clear that such deposit would not indicate that the petitioner had admitted to any of the allegations. At the time of conclusion of the trial, if the petitioner is convicted, the trial Court may also take recourse to Section 357 of Cr.P.C and examine whether any additional compensation should be paid to the defacto complainant.

[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 [(2005)AIR SCW 5560].



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

14.03.2024

vkrr

To

- 1.The Judicial Magistrate No.II, Tindivanam.
2. The Inspector of Police,
Brammadesam Police Station,
Villupuram District.
- 3.The Sub Jail, Tindivanam.
4. The Public Prosecutor, High Court of Madras.



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C.V.KARTHIKEYAN, J.

vkr

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