



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Thirty First day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.1614 of 2019

B. SENTHIL

... PETITIONER / ACCUSED No.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT,
Crime No.7/2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.MEENAKSHI SUNDARAM Advocate

For Respondent : Mr.S.CHANDRASEKAR, Additional Public Prosecutor

PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner was arrested and remanded to judicial custody since 05.01.2019 for the offences punishable under Sections 294(b), 324, 326, 341 and 506(ii) of IPC in Crime No.7 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to civil dispute the petitioner along with others waylaid the defacto complainant abused him and assaulted with iron rod and aruval and threatened him with dire consequences. He would also submit that the first accused attacked the defacto complainant with aruval and caused injuries on the left hand fingers and right shoulder and right forehead and back hand and left leg and the second accused caused injuries on the back side of the defacto complainant with the iron rod.

3. The learned counsel for the petitioner would submit that it is a case in counter and on the complaint given by the petitioner, the case was also registered against the defacto complainant. He would also submit that the injured is taking treatment for ortho.

4. The learned Government Advocate(Crl.Side) would submit that it is counter and there is no injuries in the vital parts of the body and the petitioner is taking treatment for ortho.



5. Considering the facts and circumstances of the case and also considering the fact there is no injuries in the vital parts and also the period of incarceration of the petitioner, this Court is inclined to grant bail to the petitioner.

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6. 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 Judicial Magistrate, Orthanadu, Thanjavur District and on further condition that:

[a] the petitioner shall appear before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not abscond either during investigation or trial.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] 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].

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

sd/-
31/01/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE JUDICIAL MAGISTRATE,
ORTHANADU, THANJAVUR DISTRICT.

2.THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.



3. THE INSPECTOR OF POLICE,
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.R.MEENAKSHI SUNDARAM Advocate SR.No.1885

ORDER

IN

CRL OP(MD) No.1614 of 2019

Date :31/01/2019

TK/VR/SAR-3/31.01.2019/3P/7C