



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

Tuesday, the Twelfth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2191 of 2019

MUKESH BABU,

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
K.PUDUR POLICE STATION,
MADURAI CITY.
(IN CRIME NO.6/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.D.S.HAROON RASHEED 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, who was arrested and remanded to judicial custody since 04.01.2019 for the offence punishable under Sections 294(b), 341, 307 and 506(ii) of IPC in Crime No.6 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the A1 is running a saloon shop. The defacto complainant used to go there. On the date of occurrence, there was a dispute arose between the defacto complainant and the A1 regarding the repayment of debt amount. Hence, the petitioner along with other accused persons way laid the defacto complainant and his son and attacked with iron rod and he sustained injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Only due to previous enmity the petitioner was implicated in this case.

4.The learned Additional Public Prosecutor would submit that the injured person in this case discharged from the hospital.



5. Considering the facts and circumstances of the case and also considering the fact that the injured person discharged from the hospital, this Court is inclined to grant bail to the petitioner.

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, of whom, one should be a blood related surety, each for a like sum to the satisfaction of the learned Judicial Magistrate No.VI, Madurai and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily daily at 10.30 a.m. until further orders;

(c) the petitioner shall not tamper with evidence or 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 learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

sd/-
12/02/2019

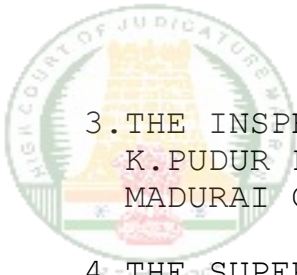
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
<https://hcservices.ecourts.gov.in/hcservices/>
MADURAI DISTRICT.



3. THE INSPECTOR OF POLICE,
K. PUDUR POLICE STATION,
MADURAI CITY.

4. THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.

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

+1. CC to MR.D.S.HAROON RASHEED Advocate SR.No.2863

ORDER

IN

CRL OP (MD) No.2191 of 2019

Date :12/02/2019

AE/PN/SAR-IV/12.02.2019/3P/7C