



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

Thursday, the Fourteenth day of February Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2342 of 2019

SADIK

... PETITIONER / ACCUSED
(RANK NOT KNOWN)

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
E-PUDUR POLICE STATION TRICHY CITY,
(IN CRIME NO.47/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.J.LAWRANCE Advocate

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

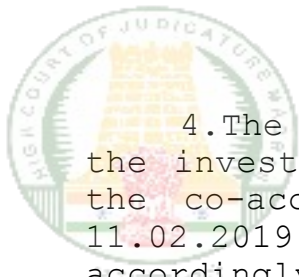
PETITION FOR BAIL Under Sec. 439 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who was arrested and remanded to judicial custody since 31.01.2019 for the offence punishable under Sections 452, 294(b), 324, 506(i) of IPC r/w. Section 3(1) of TNPPDL Act @ Sections 147, 148, 452, 294(b), 324, 307, 506(ii) of IPC and Section 4 of the Tamilnadu Prohibition of Harassment of Women Act and Section 3(1) of TNPPDL Act, in Crime No.47 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 other accused persons assaulted the defacto complainant, thereby the defacto complainant sustained injury and admitted in the hospital and also caused damages to the tune of Rs.30,000/-. 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. The co-accused in this case were released on bail by this Court on condition that the petitioners therein should deposit a sum of Rs.30,000/- into the crime number before the concerned Judicial Magistrate Court, without prejudice to the rights of the petitioners. The petitioner is arrayed as A6. Accordingly, he prayed for bail.



4.The learned Additional Public Prosecutor would submit that the investigation is pending. He further submits that admittedly, the co-accused were granted bail by this Court by order dated 11.02.2019 in Crl.O.P.(MD).Nos.2008 and 2153 of 2019 and accordingly, order may be passed in this petition.

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5.Considering the facts and circumstances of the case and also considering the fact that the co-accused were released on bail by this Court by order dated 11.02.2019 in Crl.O.P.(MD).Nos.2008 and 2153 of 2019 on condition that the petitioners therein should deposit a sum of Rs.30,000/- in to the crime number before the concerned Judicial Magistrate Court, 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.II, Trichy 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/-
14/02/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO. II,
TRICHY

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT

3. THE INSPECTOR OF POLICE,
E-PUDUR POLICE STATION,
TRICHY CITY,

4. THE SUPERINTENDENT,
CENTRAL JAIL,
TRICHY.

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

+1. CC to Mr. J. LAWRENCE Advocate SR.No.3154

ORDER

IN

CRL OP (MD) No.2342 of 2019

Date : 14/02/2019

PK/VR/SAR-II/14.02.2019/3P/7C