



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

Friday, the Twenty Second day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2774 of 2019

K. JEYAMARI

... PETITIONER/ SOLE ACCUSED

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
AVANIYAPURAM POLICE STATION,
MADURAI DISTRICT.
Crime No.2101/2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.VIKRAM Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

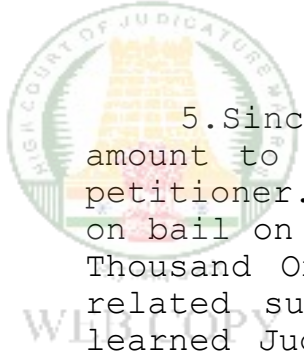
ORDER : The Court Made the following order :-

The petitioner who was arrested on 21.12.2018 for the offence under Sections 294(b), 323, 307 and 506(i) IPC, in Cr.No.2101 of 2018, on the file of the respondent police, seeks bail.

2.It is the case of the prosecution that on the date of occurrence, the petitioner went to the hotel and ordered food, however, there is no food in the hotel and thereby, the petitioner entered into quarrel with the cashier of the hotel, who is the defacto complainant, and also poured hot oil. However, the defacto complainant narrowly escaped and one customer, namely Karuppasamy, was sustained injury.

3.The learned counsel appearing for the petitioner would submit the petitioner did not commit any offence as alleged by the prosecution and he is an innocent person. However, on instructions, he would submit that the petitioner is ready and willing to pay a sum of Rs.7,500/- to the injured Karuppasamy, who is taking treatment in Grace Kennat Hospital, Madurai.

4.The learned Government Advocate(Crl.side) would submit that the he has no objection on payment of compensation, this Court may pass appropriate orders.



5. Since the petitioner himself come forward to deposit an amount to the injured person, I am inclined to grant bail to the petitioner. 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.6, Madurai and on further condition 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;

(b) the petitioner shall deposit a sum of Rs.7,500/- in Crime No.2101 of 2018. Thereafter, the learned Magistrate disburse the amount to the injured Karuppasamy, who is residing at Popalatti Street, No.255, C, Rajapalayam, Virudhunagar District and taking treatment at Grace Kennat Hospital, Madurai;

(c) the petitioner shall report before the respondent police 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 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]; and;

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

sd/-
22/02/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO 6,
MADURAI.

2. THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
AVANIYAPURAM POLICE STATION,
MADURAI DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

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

+1. CC to Mr.S.VIKRAM Advocate SR.No.3573

ORDER

IN

CRL OP (MD) No.2774 of 2019

Date :22/02/2019

TK/PN/SAR-4/22.02.2019/3P/7C