



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

Wednesday, the Thirteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.3830 of 2019

MACHAKALAI,

... PETITIONER / ACCUSED No.2

Vs

STATE THROUGH
THE SUB INSPECTOR OF POLICE,
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.32 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR. M. MARAN 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 11.02.2019 for the offence punishable under Section 147, 148, 294(b), 324, 323, 307 and 506(ii) of IPC and Section 4 of TNPWH Act, in Cr.No.32 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to the family dispute, the petitioner along with other accused persons attacked the defacto complainant with iron rod and abused him using filthy language, thereby the defacto complainant sustained injury. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. There is no specific overt act against the petitioner. Accordingly, he prayed for bail.

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



5. Considering the facts and circumstances of the case and considering the fact that the injured person discharged from the hospital and considering the period of incarceration, 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.I, Usilampatti 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 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/-
13/03/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I,
USILAMPATTI.

<https://hcservices.ecourts.gov.in/hcservices/>

2. DO THRO THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.



3. THE SUB INSPECTOR OF POLICE,
USILAMPATTI TALUK POLICE STATION,
MADURAI DISTRICT.

4. THE OFFICER INCHARGE
SUB-JAIL, USILAMPATTI,
MADURAI DISTRICT.

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

+1. CC to MR. M. MARAN Advocate SR.No.4750

ORDER

IN

CRL OP (MD) No.3830 of 2019

Date :13/03/2019

AE/VR/SAR-IV/13.03.2019/3P/7C