



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

Friday, the Twenty Second day of March Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4325 of 2019

KUMAR @ BALASUBRAMANIAN

... PETITIONER / 1st ACCUSED

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
MATHUKOOR POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.55 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.B.ANANDAN 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 :-

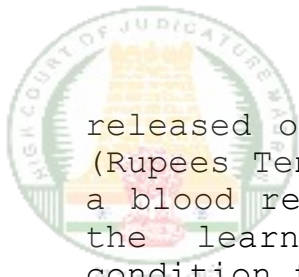
The petitioner who was arrested on 22.02.2019 for the offences under Sections 294(b), 324 and 307 of IPC ,in Cr.No.55 of 2019, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that due to wordy quarrel regarding smoking of cigarette near the petty shop the petitioner along with another person abused the defacto complainant, attacked him deadly weapons, thereby he sustained injuries. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he is innocent. He would also submit that due to previous enmity between the defacto complainant and A2, the petitioner being the friend of A2, a false case has been foisted against the petitioner.Hence he would pray for bail to the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for respondent would submit that injured has been discharged from the hospital.

5.Considering the nature of the case and considering the period of incarceration and also considering the fact that the injured has been discharged from the hospital ,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, Pattukottai 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 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/-

22/03/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
PATTUKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJORE AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
MATHUKOOR POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, PATTUKKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.ANANDAN, Advocate (SR-5375[I] dated 22/03/2019)

ORDER

IN

CRL OP(MD) No.4325 of 2019

Date :22/03/2019