



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.7073 of 2019

THANGAMATHAVAN

... PETITIONER / ACCUSED NO.1

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PAPPANADU POLICE STATION,
THANJORE DISTRICT.
(CRIME NO.86 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.P.KANDASAMY, Advocate

For Respondent : Mr.A.ROBINSON, 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 and remanded to judicial custody on 23.04.2019 for the offences punishable under Sections 294(b), 353, 332 & 307 of IPC, in Crime No.86 of 2019 on the file of the respondent police, seeks bail.

2.Heard Mr.P.Kandasamy, learned Counsel for the petitioner and Mr.A.Robinson, learned Government Advocate (Crl Side) appearing for the State.

3.The case of the prosecution is that the *de facto* complainant along with two other police officials went to the house of the petitioner/A-1 to recover the vehicle of A1's brother, which was involved in an accident. At that time, A1 along with other accused persons attacked the *de facto* complainant with a wooden log and caused head injury. Hence, the complaint.

4.The learned counsel for the petitioner submitted that the petitioner is an innocent and has not committed any offences as alleged by the prosecution. The learned counsel further submitted that this petitioner was arrested and remanded to judicial custody on 23.04.2019. He is languishing in the jail for the past 22 days. According to him, the victim was also discharged from the hospital.



5. The learned Government Advocate (Crl. Side) vehemently opposes for the grant of bail as the investigation is yet to be completed. However, on instructions from the respondent Police, he would submit that the victim was discharged from the hospital.

6. Taking into consideration of the fact that the victim has already been discharged and a substantial portion of the investigation is over and also the fact that the petitioner has already suffered incarceration for more than 22 days, this Court is inclined to grant bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties for a like sum to the satisfaction of the learned District Munsif cum Judicial Magistrate Court, Orathanadu and on further conditions that:-

[a] the petitioner as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

[b] the petitioner shall report before the concerned Judicial Magistrate every day at 10:30 a.m. for a period of fifteen (15) days;

[c] the petitioner shall not tamper the evidence or witness either during investigation or trial;

[d] the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner absconds, the respondent police shall register a case as provided under Section 229-A IPC and

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioner, as per the principles laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560]**.

sd/-

15/05/2019

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

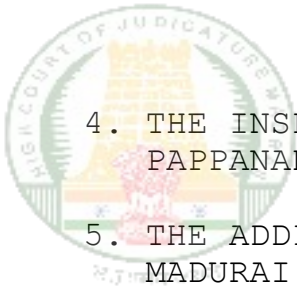
TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ORATHANADU.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

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

3. THE OFFICER INCHARGE, SUB JAIL, PATTUKOTTAI.



4. THE INSPECTOR OF POLICE,
PAPPANADU POLICE STATION, THANJORE DISTRICT.

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

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+1. CC to Mr.P.KANDASAMY Advocate SR.No.8314

ORDER

IN

CRL OP (MD) No.7073 of 2019

Date :15/05/2019

MS/PN/SAR-2/15.05.2019/3P.7C