

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.7415 of 2019

ELAIYARAJA @ RAJA

... PETITIONER / A1

Vs

STATE REP.BY ITS
THE INSPECTOR OF POLICE,
NATCHIYARKOIL POLICE STATION,
THANJAVUR DISTRICT.
Crime No.88 of 2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.CHELLAPANDIAN 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 is arrayed as accused No.1, was arrested and remanded to judicial custody on 10.04.2019 for the offences punishable under Section 294(b), 323 and 307 of IPC in Crime No.88 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 09.04.2019, when the defacto complainant went walking near Sanal Canal, the petitioner went in a two wheeler and tried to dash him. The same was questioned by the defacto complainant, which resulted in a wordy quarrel. Subsequently, on the same day, at about 07.30 p.m., the petitioner and his two brothers went to the house of the defacto complainant and abused him using filthy language and attacked him. Thus, on complaint, a case has been registered against the petitioner for the above said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the petitioner is in judicial custody from 10.04.2019. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that a substantial portion of the investigation is completed.

5.The submissions made by the learned counsel appearing on either side are considered.

6. As of now, the other accused involved in the alleged occurrence has been granted with bail by the trial Court itself. Further, the injured has already been discharged from the hospital. Admittedly, the petitioner is a first offender and he is in judicial custody from 10.04.2019. In the said circumstances, further detention of the petitioner is not necessary for the prosecution to complete the investigation. Hence, considering the above facts and circumstances of the case, particularly on considering the period of incarceration, this Court is inclined to enlarge the petitioner on bail subject to some stringent conditions. Accordingly, **the petitioner is ordered to be released on bail** subject to the following conditions:

(i) the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Kumbakonam.

[ii] 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;

(iii) the petitioner shall stay at Tirunelveli and report before the Inspector of Police, Town Police Station, Tirunelveli, daily at 10.00 a.m. until further orders.

(iv) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

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

(vi) on breach of any of the aforesaid conditions, the 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 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]**.

sd/-
29/05/2019

/ TRUE COPY /

TO

1. THE JUDICIAL MAGISTRATE NO II,
KUMBAKONAM.
2. THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
NATCHIYARKOIL POLICE STATION,
THANJAVUR DISTRICT.
4. THE INSEPCTOR OF POLICE
TOWN POLICE STATION, TIRUNELVELI.
5. THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.
6. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.S.CHELLAPANDIAN Advocate SR.No.8793

ORDER
IN
CRL OP(MD) No.7415 of 2019
Date :29/05/2019

TK/MMS/SAR-4/30.05.2019/3P/8C

सत्यमेव जयते

WEB COPY