

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.7472 of 2019

S. VIJAYABHARATHI, ... PETITIONER / ACCUSED No.4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
KUMBAKONAM TALUK POLICE STATION,
THANAJVUR DISTRICT.
(CRIME NO.132 OF 2019) ... RESPONDENT / COMPLAINANT

For Petitioner : MR.MA.KARUNANITHI 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.4, was arrested and remanded to judicial custody on 14.05.2019 for the offences punishable under Section 294(b), 323, 324, 427 and 307 of IPC in Crime No.132 of 2019, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 06.05.2019, one Murugan was assaulted by the petitioner due to wordy altercation. 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 14.05.2019. Hence, he prays for bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the persons who sustained injury were treated as out-patients.

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

6. Admittedly, the petitioner is working as a Teacher in Pondicherry, he is the first offender. He is in the judicial custody from 14.05.2019 and the portion of the investigation has been completed. The person who sustained injury at the time of occurrence was discharged from the hospital after taking treatment. 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, 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, Kumbakonam, Thanjavur District.

[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 Pondicherry and report before the Inspector of Police, Urulayampettai Police Station, Pondicherry, 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 /

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

TO

1 THE JUDICIAL MAGISTRATE,
KUMBAKONAM, THANJAVUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
KUMBAKONAM AT THANJAVUR DISTRICT.

3 THE INSPECTOR OF POLICE,
KUMBAKONAM TALUK POLICE STATION,
THANAJVUR DISTRICT.

4 THE INSPECTOR OF POLICE,
URULAYAMPETTAI POLICE STATION,
PONDICHERRY.

5 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

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

+1 CC to MR.MA.KARUNANITHI, Advocate (SR-8796[I] dated 29/05/2019)

ORDER
IN

CRL OP(MD) No.7472 of 2019
Date :29/05/2019

MR

AE/MMS/SAR-IV (30.05.2019) 3P 8C

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