



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 13/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.7507 of 2019

1. K.Balan

2. B.Babu

... Petitioners/Accused No.A1 & A2

Vs

State Rep.by

The Inspector of Police,

Kabistharam Police Station,

Thanjavur District.

(Crime No.97/2019)

... Respondent/Complainant

For Petitioners: M/s.V.Chandrapandi,
Advocate.

For Respondent : V. Neelakandan,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 Cr.P.C.

PRAYER :-

For bail in Cr.No.97/2019 on the file of the respondent police.

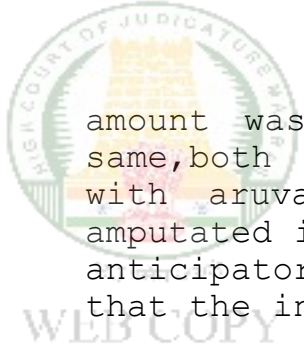
ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused-1 and 2 seeking bail for the alleged offence under Sections 294(b), 324 and 307 of IPC

2. Heard both sides

3. The learned counsel for the petitioners would submit that due to money dispute a false case has been foisted against the petitioners. He further submitted that the petitioners were arrested and remanded to judicial custody on 30.04.2019 and from that date onwards they are in custody. He further submitted that the injured was already discharged from the hospital and therefore he prayed to grant bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the first accused borrowed a sum of Rs.1,00,000/- from the defacto complainant and subsequently he has paid Rs.50,000/- and balance



amount was not paid and when the defacto complainant asked the same, both the petitioners herein attacked the defacto complainant with aruval and caused serious injuries and one finger was amputated in the said occurrence. Hence he strongly opposed to grant anticipatory bail to the petitioners. However he fairly conceded that the injured was already discharged from the hospital.

5. Taking into consideration the aforesaid submissions and also the fact that the petitioner is in custody for the past 42 days and also the fact the injured was discharged from the hospital, this Court is inclined to grant bail to the petitioners by imposing conditions:

[a] the petitioners are ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Papanasam

[b] the petitioners shall report before the respondent police, daily at 10.30 a.m for a period of one month and thereafter, as and when required for the interrogation.

[c] the petitioners shall not abscond either during investigation or trail.

[d] the petitioners shall not tamper with evidence or witness either during investigation or trail.

[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

13/06/2019

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

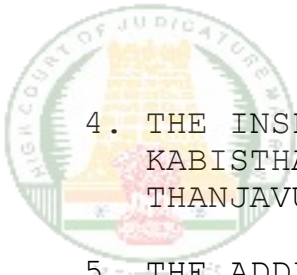
TO

1. THE JUDICIAL MAGISTRATE, PAPANASAM.

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

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

3. THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.



4. THE INSPECTOR OF POLICE,
KABISTHALAM POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to M/S.V.CHANDRAPANDI Advocate SR.No.9588

ORDER

IN

CRL OP (MD) No.7507 of 2019

Date :13/06/2019

MS/VR/SAR-3/13.06.2019/3P.7C