



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 01/07/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8643 of 2019

Adhivalavan

... Petitioner/Accused No.1

Vs

State through
The Inspector of Police,
Silaiman Police Station,
Madurai District.
Crime No.200 of 2019.

... Respondent/Complainant

For Petitioner : M/s.Dr.K.Malathi,
Advocate.

For Respondent : Mr.V.NEELAKANDAN,
Additional Public Prosecutor

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

PRAYER :-

For bail petition in cr.no.200 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioner/ accused no.1 seeking bail for the alleged offence under Sections 147,148,294(b), 323,324,307,427 and 506(ii) of IPC.

2. Heard both sides

3. The learned counsel for the petitioner would submit due to previous enmity the defacto complainant has lodged a false complaint against the petitioner herein. He further submitted that the petitioner herein was arrested and remanded to judicial custody on 31.05.2019 and he is in custody for the past 32 days. He further submitted that the injured was already discharged from the hospital. Therefore he prayed to grant bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that there are totally five accused in this case and the petitioner herein A1. The case of the prosecution is that due to some previous enmity the petitioner herein along with others unlawfully assembled together and attacked the defacto complainant with deadly weapons. He would further submit that the following four previous cases are pending against the petitioner:

S.No	Crime No	Sections
1	200/2019	147,148,294(b),307,323,324,427 and 506 (ii) of IPC
2	37/2019	147,294(b),341,379,448,506(i) of IPC
3	210/2017	107 Cr,P.C
4	17/2010	147,323,506(i) of IPC

Hence he strongly opposed to grant bail to the petitioner. However he fairly conceded that the injured was discharged from the hospital and the petitioner herein was in bail in all other previous cases.

5.Taking into consideration all the allegations made against the petitioner and also the fact the petitioner is in custody for the past 32 days and also the fact that the injured was already discharge from the hospital and also the fact the petitioner is in bail all previous cases, this Court is inclined to grant bail to the petitioner by imposing conditions:

[a] 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 each for a like sum to the satisfaction of the Judicial Magistrate No.II, Madurai.

[b] the petitioner 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 petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness 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].



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

WEB COPY

sd/-
01/07/2019

/ TRUE COPY /

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

TO

1.The Judicial Magistrate No.II, Madurai.

2.Do-Through The Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
Silaiman Police Station,
Madurai District.

4.The Superintendent,
Central Prison, Madurai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.MALATHI, Advocate (SR-10738[I] dated 01/07/2019)

ORDER
IN
CRL OP(MD) No.8643 of 2019
Date : 01/07/2019

aav
TK/PN/SAR.3/01.07.2019/3P/7C