



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

Date : 26/08/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM
CRL OP(MD) . No.11798 of 2019

WEB COPY

Rajesh @ Kozhi Rajesh,

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Thanjavur West Police Station,
Thanjavur District.
Crime No. 255/2019.

... Respondent/Complainant

For Petitioner : M/s. K.M. Karunakaran,
Advocate.

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

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

PRAYER :-

For Bail in Crime No. 255/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petition has been filed by Accused No.1 seeking bail for the alleged offence punishable under Sections 294 (b), 324, 307 and 506 (ii) of IPC, in Crime No.255 of 2019.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is falsely implicated in this case and as per the FIR, on 25.07.2019, the petitioner herein along with other accused person has assaulted the injured with wooden log and knife. He further submitted that A2 was already arrested and subsequently released on bail by the Sessions Court. He further submitted that the petitioner is in custody from 26.07.2019 and the injured person was already discharged from the hospital, and therefore, he prayed to grant of bail to the petitioner.

4.Per contra, the learned Additional Public Prosecutor appearing for the respondent has submitted that totally two accused

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involved in this case. The petitioner and the other accused person have attacked the defacto complainant and caused injuries. He further submitted that the petitioner is having three previous cases and in those cases, he is already on bail. He further submitted that A2 was arrested and subsequently released on bail by the learned Sessions Court. He further submitted that the investigation is still pending, and hence, he opposed this petition. However, he fairly conceded that injured discharged from the hospital.

5. Taking into consideration of the fact that the petitioner is in custody from 26.07.2019 and also the fact that already A2 was granted bail by the learned Sessions Court and even though, it is submitted by the learned Additional Public Prosecutor that the petitioner is involved in three more cases and in those cases, the petitioner is already on bail and also the fact that the injured discharged from the hospital, 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 learned Judicial Magistrate, No.I, Thanjavur District.

[b] the petitioner shall report before the Respondent Police, daily at 10.00 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.

sd/-
26/08/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I, THANJAVUR.

2 DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL ,PRISON, TRICHY.

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

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

+1. CC to MR. K.M. KARUNAKARAN Advocate SR.No.14009

ORDER

IN

CRL OP(MD) No.11798 of 2019

Date :26/08/2019

dss

AE/JC/SAR-I (27.08.2019) 3P 7C