



WEB COPY

CRL OP(MD). No.11815 of 2019

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.11815 of 2019

P.Kumaresan @ Kumaran

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Jeyamangalam Police Station,
Theni District.
(In Crime No.121 of 2019)

... Respondent/Complainant

For Petitioner : M/s.S.Malaikani,
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.121 of 2019 on the file of the respondent Police.

ORDER : The Court Made the following order :-

The petition has been filed by Sole Accused seeking bail for the alleged offence punishable under Sections 294 (b), 323, 324, 506 (ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act altered into Section 307 of IPC, in Crime No.121 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 20.07.2019, when the defacto complainant was grazing her cattle in a garden belongs to one Sivananti, the petitioner entered into the garden. The defacto complainant questioned the entry of the petitioner, he has assaulted the defacto complainant with wooden log. He further submitted that the

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



petitioner is in custody from 24.07.2019 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 the petitioner has attacked the defacto complainant with wooden log and caused injuries. He further submitted that the petitioner is having two previous cases and in those cases, he is already on bail, and hence, he opposed this petition. However, he fairly conceded that the injured already discharged from the hospital.

5.Taking into consideration of the fact that the petitioner is in custody from 24.07.2019 and also the fact that already injured was already discharged from the hospital and also the fact that though the learned Additional Public Prosecutor has submitted that the petitioner is having two more cases and in those cases, the petitioner is already on bail, 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, Periyakulam.

[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, PERIYAKULAM.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 3. THE OFFICER INCHARGE, DISTRICT JAIL,
THENI.
 4. THE INSPECTOR OF POLICE,
JEYAMANGALAM POLICE STATION, THENI DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S. S.MALAIKANI Advocate SR.No.13994

ORDER

IN

CRL OP(MD) No.11815 of 2019

Date :26/08/2019

MS/MMS/SAR-1/26.08.2019/3P.7C