



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

Date : 20/01/2020

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

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CRL OP(MD). No.478 of 2020

Sundar

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Eral Police Station,
Eral, Thoothukudi District
In Crime No.211/2019.

... Respondent/Complainant

For Petitioner : M/s. Antony.S.Prabahar,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.211 of 2019 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is in custody since 14.11.2019, for the offences under Sections 147, 148, 294(b), 323, 324, 427, 307, 302 and 506(ii) of I.P.C., in Crime No.211 of 2019, on the file of the respondent police. Hence, he seeks bail.

3. The learned Government Advocate (Crl. Side) pointed out that the petitioner is having three previous cases and that the person who was injured by the petitioner is still in hospital.

4. It is seen that the person who died did not die on account of the injury caused by the petitioner herein. The person who is still in hospital was stabbed by the petitioner only on his hand and there is no possibility of any alteration report being filed. However,



the fact remains that the injury caused by the petitioner fairly serious and that is why he is in hospital for the last several weeks.

5. The petitioner's counsel on instructions gives an undertaking that the petitioner will take a demand draft for a sum of Rs.20,000/- favouring the victim and enclose the same along with the surrender petition. The said demand draft will be handed over to the injured person (Premkumar) who is taking treatment by the court below through the respondent police. Of course, this is without prejudice to the petitioner's defence in the criminal trial. In other words, payment of Rs.20,000/- to the victim (Premkumar) will not be put against the petitioner in the trial.

6. Subject to these conditions, I am inclined to enlarge the petitioner on bail with certain 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.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Srivaikundam.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) 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].

sd/-
20/01/2020

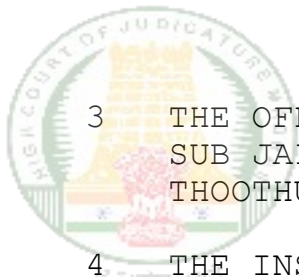
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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE
SRIVAIKUNDAM

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



3 THE OFFICER INCHARGE,
SUB JAIL, PERURANI,
THOOTHUKUDI DISTRICT.

4 THE INSPECTOR OF POLICE
ERAL POLICE STATION, ERAL,
THOOTHUKUDI DISTRICT

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

+1. CC to M/S ANTONY.S.PRABAHAR Advocate SR.No.1905

ORDER

IN

CRL OP(MD) No.478 of 2020

Date :20/01/2020

IAS

ES/VR/SAR 2/20.01.2020/3P/7C