



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

Date : 21/02/2020

PRESENT

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

CRL OP(MD) . No.3162 of 2020

KAJA @ MURUGESAN

... PETITIONER/2nd ACCUSED

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
PONMALAI POLICE STATION,
CRIME NO.45 OF 2020,
TRICHY DISTRICT.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.T.Banumathy,
Advocate.

For Respondent : Ms.M.Ananthadevi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 45 of 2020 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 10.02.2020 for the offences punishable under sections 294(b), 323, 506(ii) and 307 of I.P.C., and Section 427 of IPC in Crime No.45 of 2020 on the file of the respondent police. He seeks bail.

3. The learned Government Advocate (Crl.side) strongly opposed the grant of bail to the petitioner herein.

4.I went through the contents of the FIR. On a careful
<https://hcservices.mca.gov.in/hcservices/seva/hiboys> seen that due to a petty quarrel in the fast-food



restaurant, the occurrence in question has taken place. It is seen that the first petitioner had attacked the defacto complainant's son causing him grievous injury. There are no serious allegations against the petitioner herein.

5. However, the petitioner's counsel, on instructions, states that the petitioner will totally keep off from the victim's family.

6. If this undertaking is breached, this Court will not hesitate to cancel the bail and commit him to custody. It is made clear that the benefit of this order will no way enure in favour of the first accused. This Court had granted bail to the petitioner because he is not placed on the same footing and the first accused who had caused the injury in question. It is the duty of the Investigation Officer to bring the same to the notice of the Court below, when the bail petition of A1 is taken up for consideration.

7. Taking note of the facts and circumstances of this case, 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 learned Judicial Magistrate No.V, Trichy.

(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/-
21/02/2020

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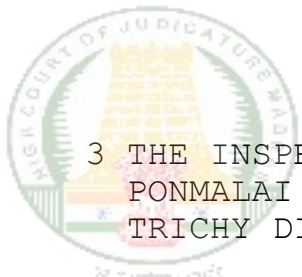
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE NO.V,
TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,

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



3 THE INSPECTOR OF POLICE
PONMALAI POLICE STATION,
TRICHY DISTRICT

4 THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY.

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

+1 CC to M/s.T.BANUMATHY, Advocate (SR-3775[I] dated 21/02/2020)

ORDER

IN

CRL OP(MD) No.3162 of 2020

Date :21/02/2020

RMI

JM/VR/SAR 3/21.02.2020/3P/7C