



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/06/2020

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PRESENT

The Hon`ble Mr.Justice RMT. TEEKAA RAMAN

CRL OP(MD) . No.6775 of 2020

Siva @ Sivasamy,

... Petitioner/Accused-7

Vs

The Inspector of Police,
Devathanapatti Police Station,
Periyakulam, Theni District.
Crime No. 505 of 2020..

... Respondent/Complainant

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

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

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

PRAYER :-

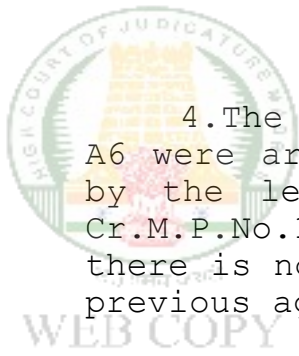
To release the petitioner on bail pending investigation in Cr.No. 505 of 2020 on the file of Inspector of Police, Devathanapatti Police Station, Periyakulam, Theni District.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2. The petitioner is in custody since 09.06.2020 for the offences under Sections 147, 148, 294(b), 324 and 307 of I.P.C. in Crime No.505 of 2020 on the file of the respondent police. Hence, he seeks bail.

3. The case of the prosecution is that when the defacto complainant and his relatives were standing near Pillayar Temple, seven unnamed persons attacked them with iron rod, knife, stone and stick. Hence, a complaint.



4.The learned Additional Public Prosecutor submitted that A2 to A6 were arrested and remanded to judicial custody and granted bail by the learned Principal District and Sessions Court, Theni in Cr.M.P.No.1606 of 2020 on 27.05.2020. He further submitted that there is no specific overtact against the petitioner and there is no previous against the petitioner.

5. In view of the above, 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, Periyakulam.

(ii)The sureties shall affix his photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

(iii) the petitioner shall report before the respondent police daily for a period of two weeks and thereafter as and when required for interrogation.

(iv) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioner shall not abscond either during investigation or trial.

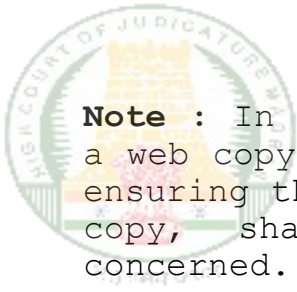
(vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

(vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
26/06/2020

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE, PERIYAKULAM.
2. DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE OFFICER INCHARGE
SUB JAIL, PERIYAKULAM.
4. THE INSPECTOR OF POLICE,
DEVATHANAPATTI POLICE STATION,
PERIYAKULAM, THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6775 of 2020
Date :26/06/2020

IAS
AE/PN/SAR-II (26.06.2020) 3P 6C