



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 03/08/2020

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PRESENT

**The Hon`ble Mr.Justice V.BHARATHIDASAN**

CRL OP(MD) . No.7205 of 2020

P.Dhinesh

... Petitioner/Accused No.1

Vs

State Rep.by  
The Inspector of Police,  
Munneerpallam Police Station,  
Tirunelveli.  
(Crime Number.402/2020)

... Respondent/Complainant

For Petitioner : M/s.M.Ganesh Kamu,  
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,  
Government Advocate (Crl.Side)

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

**PRAYER :-**

For Bail in Cr.No. 402 of 2020 on the file of the respondent police.

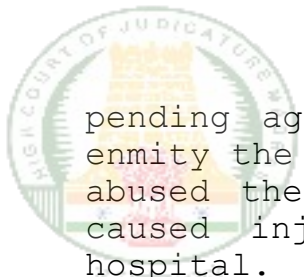
ORDER : The Court made the following order :-

The petitioner/A1 herein was arrested and remanded to judicial custody on 01.06.2020 for the alleged offences under Sections 294 (b), 323,307 and 506(ii) of IPC.

2. The case of the prosecution is that due to previous enmity the petitioner herein along with other person is said to have abused the defacto complainant and assaulted him with aruval and caused injuries.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that A2 in this case was released on bail and injured was also discharged from the hospital.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner is a rowdy element and five previous cases are



pending against him. He would also submit that due to previous enmity the petitioner herein along with other person is said to have abused the defacto complainant and assaulted him with aruval and caused injuries and the injured was also discharged from the hospital.

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5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the incident would have happened due to sudden quarrel and also taking into consideration the fact that A2 in this case was released on bail and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.V, Tirunelveli District

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].

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

sd/-

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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 NO.V, TIRUNELVELI DISTRICT.
  2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.
  3. THE SUPERINTENDENT,CENTRAL PRISON, PALAYAMKOTTAI.
  4. THE INSPECTOR OF POLICE,  
MUNNEERPALLAM POLICE STATION, TIRUNELVELI.
  5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC TO M/s.M.Ganesh Kamu, Advocate, SR NO.5900

ORDER  
IN  
CRL OP(MD) No.7205 of 2020  
Date :03/08/2020

MS/SKN/SAR-3/03.08.2020/3P.7C