



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/07/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.7150 of 2020

K.SHIVA SHANKAR

... PETITIONER/ACCUSED
(RANK NOT KNOWN)

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
SIPCOT POLICE STATION, THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
(CRIME NO.440 OF 2020).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.A.Thiruvadi Kumar,
Advocate.

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

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

PRAYER :-

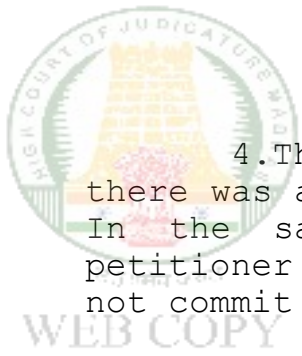
For Bail in Crime No.440 of 2020 on the file of the Respondent Police.

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 was arrested and remanded to Judicial Custody on 16.06.2020 for the offences punishable under Sections 294(b), 307 & 506(ii) IPC altered into Sections 294(b), 307, 506(ii) IPC r/w 120-B of I.P.C., in Crime No.440 of 2020 on the file of the respondent police. He seeks bail.

3.The case of the prosecution is that the accused and the defacto complainant consumed liquor and at that time a quarrel arose between them. In that quarrel, the petitioner and other accused attacked the defacto complainant and caused injury on the wrist and
<https://hcsreservices.gov.in/hcservices/>, a complaint.



4.The learned counsel for the petitioner would submit that there was a quarrel between the accused and the defacto complainant. In the said allegations, there is no overt act against the petitioner and that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution.

5.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the injured person has already been discharged from the hospital.

6.Taking note of the above facts and circumstances of the case and also taking note of the fact that the injured person has already been discharged from the hospital, I am inclined to enlarge the petitioner on bail with certain conditions.

i)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.III, Thoothukudi.

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 on every Monday 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/-
09/07/2020

/ TRUE COPY /

/ /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.

TO

- 1 THE JUDICIAL MAGISTRATE NO.III,
THOOTHUKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 3 THE INSPECTOR OF POLICE
SIPCOT POLICE STATION,
THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, KOVILPATTI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7150 of 2020
Date :09/07/2020

GNS
JM/PN/SAR 3/09.07.2020/3P/6C