



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

Date : 13/07/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP (MD) . No.7252 of 2020

Ayyavu

... Petitioner/Accused No.1

Vs

The State rep. by
The Inspector of Police,
Mathur Police Station,
Pudukkottai District,
(In Crime No. 213 of 2020)

... Respondent/Complainant

For Petitioner : M/s.P.Ganapathi Subramanian,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 213 of 2020 on the file of the respondent police

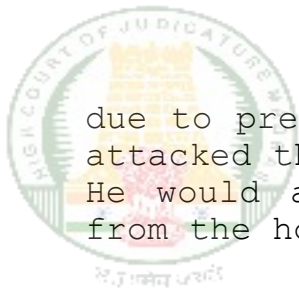
ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 28.06.2020 for the alleged offences under Sections 294(b) and 307 of IPC.

2. The case of the prosecution is that due to previous enmity between the petitioner family and the injured persons on 28.06.2020 A1 and A2 attacked the father of the defacto complainant with aruval.

3. The learned counsel for the petitioner would submit that it is a case and counter case and due to previous enmity a false case has been foisted against the petitioner.

4. The learned Additional Public Prosecutor would submit that it is not a case and counter case. Even the petitioner herein is the not the defacto complainant in that case. He would also submit that



due to previous enmity the petitioner herein along with others have attacked the father of the defacto complainant and caused injuries. He would also submit that the injured person was also discharged from the hospital on 07.07.2020.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioner herein attacked the father of the defacto complainant in the non vital part and also taking note of the fact that the injured was already discharged from the hospital 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, Keeranur, Pudukottai 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 as and when required for interrogation.

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].

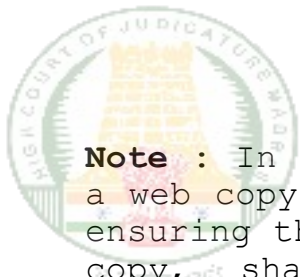
vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
13/07/2020

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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,
KEERANUR,
PUDUKKOTTAI DISTRICT.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE OFFICER IN CHARGE,
DISTRICT PRISON,
PUDUKKOTTAI.
4. THE INSPECTOR OF POLICE,
MATHUR POLICE STATION,
PUDUKKOTTAI DISTRICT,
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7252 of 2020
Date :13/07/2020

AAV
SRS/ JC/ SAR-II/ 14.07.2020/ 3P/6C