



WEB COPY

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

Date : 17/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7517 of 2020

NEELAKANDAN @ NEELAKANDAMOORTHY

... PETITIONER/ACCUSED NO.9

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
MANAMELKUDI POLICE STATION,
PUDUKKOTTAI DISTRICT
CRIME NO.398/2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.K.Baalasundharam,
Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

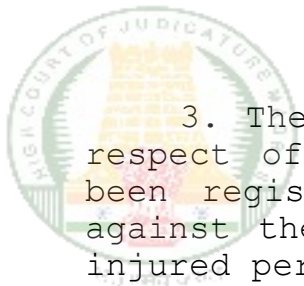
PRAYER :-

For Bail in Crime No.398 of 2020 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioner/A9 herein was arrested and remanded to judicial
custody on 30.06.2020 for the alleged offences under Sections
147,148,294(b),323,324 and 307 of IPC.

2. The case of the prosecution is that there was a dispute
between two groups of people in the village. On the date of
occurrence there was a quarrel between the petitioner and the
president regarding some Kudimaramathu work in the Edaythimangalam
Eri, water channel in which the petitioner along with other accused
persons is said to have attacked the defacto complainant and others
and caused injury. Hence the complaint.



3. The learned counsel for the petitioner would submit that in respect of very same incident three First Information Report has been registered and the the petitioner has also given complaint against the defacto complainant/injured. He would also submit that injured person was also discharged from the hospital.

4. The learned Government Advocate(Crl.Side) would submit that it is a case and counter case and for the same occurrence three First Information Report has been registered . He would also submit that injured person was also discharged from the hospital.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that it is case and counter case and also considering the fact that the injured person was also 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, Aranthangi, 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 petitioner/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

17/07/2020

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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.

TO

- 1 THE JUDICIAL MAGISTRATE,
ARANTHANGI, PUDUKKOTTAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
MANAMELKUDI POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON, PUDUKKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7517 of 2020
Date :17/07/2020

AAV
JM/VR/SAR 3/17.07.2020/3P/6C