



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/07/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7526 of 2020

Azhagan

... Petitioner/1st Accused

Vs

The State Rep. by
The Inspector of Police,
Lalgudi Police Station,
Trichy District
Cr No.1495/2020.

... Respondent/Complainant

For Petitioner : M/s.T.Lenin 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.1495 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 01.07.2020 for the alleged offence under Sections 294 (b), 341,323,324,364 and 506(ii) of IPC.

2. There are totally three accused in this case and the petitioner herein is arrayed as A1. The case of the prosecution is that the defacto complainant is doing real estate business and the petitioner herein is having some business transactions with the defacto complainant and to due to that motive the petitioner is said to have abducted the defacto complainant, attacked him and also caused injuries.



3. The learned counsel for the petitioner would submit that it is a civil dispute between the parties and he is not involved in the crime and he has been falsely implicated. He would also submit that injured was also discharged from the hospital

4. The learned Government Advocate(Crl.Side) would submit that the petitioner is having some business transactions with the defacto complainant and due to that he has abducted the defacto complainant, attacked him and also caused injuries and the injured 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 a civil dispute between the parties and injured was also discharged from the hospital, 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, Lalgudi

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 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/-
22/07/2020

/ 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, LALGUDI.
2. -DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
LALGUDI POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICER INCHARGE,
SUB JAIL, LALGUDI.

ORDER
IN
CRL OP(MD) No.7526 of 2020
Date :22/07/2020

AAV
TE/PN/SAR-II : 22/07/2020 : 3P/6C