



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/08/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7941 of 2020

J.K. @ Jayakumar

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Thanjavur West Police Station,
Thanjavur.
(In Crime No. 443/2019)

... Respondent/Complainant

For Petitioner : M/s.K.Navaneetharaja,
Advocate.

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

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

PRAYER :-

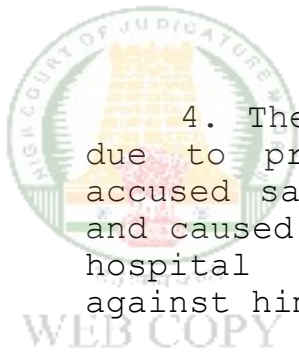
For Bail in Crime No.443 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 13.05.2020 for the alleged offences under Sections 294 (b), 341,324,307 and 506(ii) of IPC.

2. There are totally three accused in this case. The petitioner herein is arrayed as A1. The case of prosecution is that due to previous enmity the petitioner herein along with other accused said to have attacked the defacto complainant with aruval and caused injuries. Hence the complaint.

3. The learned counsel for the petitioner would submit that the injured was discharged from the hospital and the co- accused in this case was released on bail. He would also submit that the petitioner is in jail for nearly 90 days and final report has not been filed by the respondent police. Hence he seeks bail.



4. The learned Government Advocate(Crl.Side) would submit that due to previous enmity the petitioner herein along with other accused said to have attacked the defacto complainant with aruval and caused injuries and now the injured was also discharged from the hospital. He would also submit that 12 previous cases are pending against him.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the injured was discharged from the hospital and co-accused was released on bail and petitioner is jail for nearly 90 days and the final report has not been filed before the concerned court by the respondent police, 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.25,000/- (Rupees Twenty Five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thanjavur

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 once in a week 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/-
12/08/2020

/ 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.II, THANJAVUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE, DISTRICT JAIL,
THANJAVUR.
4. THE INSPECTOR OF POLICE,
THANJAVUR WEST POLICE STATION,
THANJAVUR.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7941 of 2020
Date :12/08/2020

MS/AKM/SAR-2/12.08.2020/3P.6C