



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 23/07/2020

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PRESENT

**The Hon'ble Mr. Justice V.BHARATHIDASAN**

CRL OP(MD) . No.7642 of 2020

1. Gopirajan  
2. Chelladurai

... Petitioners/Accused No.1&2

**Vs**

The State Rep. by  
The Inspector of Police,  
Gandarvakottai Police Station,  
Pudukkottai District.  
Cr.No. 355 of 2020.

... Respondent/Complainant

For Petitioners : M/s.D.Ramesh Kumar, Advocate.  
For Respondent : Mr.K.Suyambulinga Bharathi,  
Government Advocate (Crl.Side)

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

**PRAYER :-**

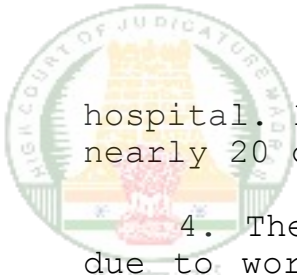
For Bail in Cr.No. 355 of 2020 on the file of the respondent police.

**ORDER :** The Court made the following order :-

The petitioners/A1 and A2 herein were arrested on 03.07.2020 for the alleged offences under Sections 294(b) and 307 of IPC.

2. The case of the prosecution is that due to wordy quarrel between the parties on the date of occurrence the petitioners are said to have attacked the defacto complainant and others with wooden log and caused injuries.

3. The learned counsel for the petitioners would submit that it is case and counter case. He would also submit that due to wordy quarrel the defacto complainant also attacked the petitioners herein and they have also given complaint which was registered in Crime No.354 of 2020 and thereafter the present complaint has been filed. He would also submit that the injured was also discharged from the



hospital. He would also submit that the petitioners are in jail for nearly 20 days and hence they may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that due to wordy between the parties the petitioners are said to have attacked the defacto complainant and caused injuries. He would also submit that the injured person was also discharged from the hospital.

5. Taking into consideration the fact that the occurrence have taken place due to wordy quarrel and it is a case counter case and also the fact that the injured was also discharged from the hospital and also the taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Gandarvakottai, 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 petitioners shall report before the respondent police as and when required for interrogation.

iii) the petitioners shall not tamper with evidence or witness.

iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 petitioners/accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-  
23/07/2020

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

ORDER  
IN  
CRL OP(MD) No.7642 of 2020  
Date :23/07/2020

AAV  
TE/PN/SAR-III : 23/07/2020 : 3P/6C