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

Date : 14/08/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8356 of 2020

Rajendran

... Petitioner/
Accused(Rank not known)

Vs

The State rep. by
The Inspector of Police,
K.Pudupatti Police Station,
Pudukkottai District
Cr No.240/2020.

... Respondent/Complainant

For Petitioner : M/s.D.Rameshkumar,
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. 240 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 27.07.2020 for the alleged offences under Sections
147,148,294(b),323, 324, 506(ii),307 of IPC r/w.51(b) of Disaster
Management Act.

2. There are totally 17 accused in this case. The petitioner
herein is arrayed as A8. The petitioner and the defacto complainant
belongs to same village. The case of the prosecution is that earlier
there was case registered regarding posting fake messages in the
face book. Due to which on the date of occurrence the accused
persons is said to have attacked the defacto complainant and other



persons and caused injuries. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner name does not found place in the First Information Report. Even though all the accused persons belong to the same village, only 11 persons names were stated in the First Information Report. He would also submit that a false case has been foisted against the petitioner. He would also submit that the injured was also discharged from the hospital.

4. The learned Government Advocate(Crl.Side) would submit that group of people were fighting with each other with deadly weapons, in which six persons sustained injuries on the side of the defacto complainant and two persons on the side of the petitioner sustained injuries. He would also submit that some of the accused are still absconding and tension is prevailing in that area.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the name of the petitioner does not found place in the First Information Report and also the injured was 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, Thirumayam, 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 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/-
14/08/2020

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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,
THIRUMAYAM,
PUDUKOTTAI DISTRICT.
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY.
- 4 THE INSPECTOR OF POLICE
K.PUDUPATTI POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8356 of 2020
Date :14/08/2020

AAV
SRS/ VR/ SAR-II/ 14.08.2020/ 3P/6C

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