



WEB COPY

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

Date : 31/08/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8481 of 2020

Gurumoorthy

... Petitioner/2nd Accused

Vs

The State rep. by
The Inspector of Police,
Kovilankulam Police Station,
Ramanathapuram District
Crime No. 126 of 2020.

... Respondent/Complainant

For Petitioner : M/s K.R.Laxman,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.126 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A2 herein was arrested and remanded to judicial custody on 24.07.2020 for the alleged offences under Sections 341,294(b), 324, 307 and 506(ii) of IPC.

2. The defacto complainant is working as a motor man in a village Panchayat. The case of the prosecution is that there was previous enmity between A1 and the defacto complainant due to which on the date of occurrence A1 said to have waylaid the defacto complainant, attacked with aruval and caused injuries.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the above case. He would also submit that the injured was already discharged from the hospital.



4. The learned Additional Public Prosecutor would submit that the petitioner herein accompanied A1 and he also attacked the defacto complainant and caused injuries. He would also submit that 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 the motive is between A1 and the defacto complainant and also taking note of the fact that the injured was also discharged from the hospital and investigation is almost completed, 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, Kamuthi, Ramanathapuram 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/-
31/08/2020

/ 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,
KAMUTHI,
RAMANATHAPURAM DISTRICT.
- 2 -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE OFFICER IN CHARGE,
DISTRICT PRISON,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.
- 4 THE INSPECTOR OF POLICE,
KOVILANKULAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8481 of 2020
Date :31/08/2020

AAV
SRS/ JC/ SAR-II/ 31.08.2020/ 3P/6C