



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

Date : 20/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8573 of 2020

Santhan @ Santhakumar

... Petitioner/Accused No.8

Vs

The State rep.by
The Inspector of Police,
Thalamuthu Nagar Police Station,
Tuticorin District.
Crime No.287 of 2020.

... Respondent/Complainant

For Petitioner : M/s.I.Abrar Md Abdullah,
Advocate.

For Intervenor : Mr.Anandakumar
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.287 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A8 herein was arrested and remanded to judicial custody on 06.07.2020 for the alleged offences under Sections 147,148,448,294(b),323,324,307,506(ii) of IPC and Section 3 of TNPPDL Act @ 120(B),147,148,448,294(b),323,324,307,427 and 506(ii) of IPC

2. The case of the prosecution is that there is a previous property dispute between A1 and the injured in this case. Due to the same all the accused persons said to have trespassed into house of the defacto complainant and attacked him with wooden log, iron rod and other weapons and caused injuries. Some of the accused persons also attacked the wife and mother of the defacto complainant.



3. The learned counsel for the petitioner would submit that due to previous enmity between A1 and the injured a false case has been foisted against this petitioner. He would also submit that even as per the First Information Report the petitioner herein only tried to attack the injured with knife, since he escaped he did not sustained any injured.

4. The learned counsel for the intervenor would submit that due to some property dispute the petitioner along with other accused persons said to have attacked him, his wife and mother and also damaged the household articles. He would also submit that injured is still taking in the hospital.

5. The learned Additional Public Prosecutor would submit that investigation is yet to be completed and the injured is still taking treatment in the hospital. He would also submit that A1, A5, A6 and A7 are still absconding.

6. Taking note of the above facts and circumstances of the case and also taking note of the fact that the petitioner herein only tried to attacked the deceased with knife and he sustained no injuries and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. 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 No.II, Thoothukudi

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 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/-
20/08/2020

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/08/2020

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,
TUTICORIN.
- 2.DO THROUGHT THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
THALAMUTHU NAGAR POLICE STATION,
TUTICORIN DISTRICT.
- 4.THE OFFICER INCHARGE,
SUB JAIL, PEROORANI, TUTICORIN.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.8573 of 2020
Date :20/08/2020

AAV
TK/PN/SAR.2/20.08.2020/3P/6C