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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/08/2020

PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP(MD) . No.8711 of 2020

1. Mahesh
2. Prakash

... Petitioners/Accused No.1&2

Vs

The State Rep. by
The Inspector of Police,
Kadayam Police Station,
Tirunelveli District.
(Crime No.346 of 2020).

... Respondent/Complainant

For Petitioners : M/s.R.Anand,
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.346 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 25.07.2020 for the alleged offences under Sections 294(b), 307, 324 and 506(ii) of IPC.

2. The defacto complainant is the brother's son of the first accused. The case of the prosecution is that due to some civil dispute on the date of occurrence the petitioners herein said to have attacked the defacto complainant with deadly weapons and caused injuries. Hence the complaint.



3. The learned counsel for the petitioners would submit that the both the petitioners and the defacto complainant are close relatives and due to civil dispute in a wordy quarrel the occurrence had taken place. He would also submit that the injured was discharged from the hospital.

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4. The learned Additional Public Prosecutor would submit that petitioners herein said to have attacked the defacto complainant and caused injuries and the now injured was discharged from the hospital.

5. Taking note of the above facts and circumstances of the case and also taking note of the relationship of the petitioners and also the fact that the occurrence would have taken place in a wordy quarrel and also taking into consideration the fact that injured was discharged from the hospital and investigation is almost completed, 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, Ambasamudram, Tirunelveli 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 daily at 10.30 a.m until further orders.

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/-

20/08/2020

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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,
AMBASAMUDRAM,
TIRUNELVELI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.
4. THE INSPECTOR OF POLICE,
KADAYAM POLICE STATION,
TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.8711 of 2020
Date :20/08/2020

AAV
TE/JC/SAR-II : 20/08/2020 : 3P/6C