



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

Date : 25/08/2020

PRESENT

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

**CRL OP(MD) . No.8889 of 2020**

E.Esakkimuthu,

... Petitioner/Accused 7

Vs

The State rep.by its  
The Inspector of Police,  
Tirunelveli Taluk Police Station,  
Tirunelveli District.  
(Crime No. 310 of 2020).

... Respondent/Complainant

For Petitioner : M/s.A.Jegatha,  
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. 310 of 2020 on the file of the respondent police.

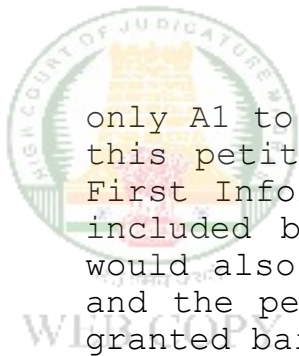
ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 05.08.2020 for the alleged offences under Sections 147,148,294(b), 341,307,427 and 506(ii) of IPC.

2. There are totally eight accused in this case and the petitioner herein is arrayed as A7. The case of the prosecution is that there was a quarrel between the defacto complainant and A4 in the play ground, due to which on the next day A1 to A4 in this case is said to have attacked the injured and caused injuries. Hence the complaint.

3. The learned counsel for the petitioner would submit that

<https://hcservices.ecourts.gov.in/hcservices/>



only A1 to A4 attacked the injured and caused injuries and so far as this petitioner is concerned his name does not found place in the First Information Report and subsequently his name was deliberately included based on the statement given by the injured person. He would also submit that the injured was discharged from the hospital and the petitioner was in jail for nearly 20 days, hence he may be granted bail.

4. The learned Additional Public Prosecutor would submit that it is a case and counter case. Due to wordy quarrel between two groups A1 to A4 in this case is said to have attacked the injured and caused injuries. He would also submit that the injured was discharged from the hospital

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that injured was discharged from the hospital and also taking note of the fact that the name of the petitioner does not found place in the First Information Report and also taking into consideration the period of incarceration, 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 No.III, Tirunelveli

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/-

25/08/2020

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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 NO.III, TIRUNELVELI
- 2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.
- 3.THE OFFICER INCHARGE,  
SUB JAIL, SRIVAICKUNDAM.
- 4.THE INSPECTOR OF POLICE,  
TIRUNELVELI TALUK POLICE STATION,  
TIRUNELVELI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.8889 of 2020  
Date :25/08/2020

AAV  
AE/PN/SAR-II (25.08.2020) 3P 6C