



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.8902 of 2020

WEB COPY

Senthil Kumar ... Petitioner/Accused No.1
Vs

The Inspector of Police,
Kalugumalai Police Station,
Thoothukudi District ,
Cr.No.426 of 2020.

... Respondent/Complainant

For Petitioner : M/s.V.Selva Kumar,
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.426 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 25.06.2020 for the alleged offences under Sections 294 (b), 323,324,506(ii) , 307 of IPC

2. There are totally four accused in this case. The petitioner herein arrayed as A1. The case of the prosecution is that there is previous enmity between A1 and the defacto complainant in respect of theft of electricity. Due to the same, on the date of occurrence A1 to A4 in this case said to have attacked the defacto complainant with iron rod and caused injuries. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that injured person was also discharged from the hospital and A2 to A4 in this case was granted anticipatory bail by this Court on 18.08.2020.

4. The learned Additional Public Prosecutor would submit that <https://hcservices.ecourts.gov.in/hcservices/> persons in this case said to have attacked the defacto complainant with iron rod and caused injuries. He would also submit that injured person was also discharged from the



hospital and A2 to A4 in this case was granted anticipatory bail by this Court on 18.08.2020

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that only the occurrence would have taken place in a wordy quarrel and co-accused in this case were granted anticipatory bail by this Court and 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.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, kovilpatti

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 as and when required for interrogation.

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

/ TRUE COPY /

/ /2020

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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.I,
Kovilpatti.

2.Do Through

The Chief Judicial Magistrate,
Thoothukudi.

3.The Superintendent,
District Jail,Thoothukudi.

4. The Inspector of Police,
Kalugumalai Police Station,
Thoothukudi District , Cr.No.426 of 2020.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP (MD) No.8902 of 2020

Date : 25/08/2020

KK(25.08.2020) 3P 6C