



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9011 of 2020

C.Lakshmanan

... Petitioner/Accused No.4

Vs

State Rep.by
The Inspector of Police,
South Gate Police Station,
Madurai City.
Cr.No.970 of 2020

... Respondent/Complainant

For Petitioner : Mr.S.Bharathi,
Advocate.

For Respondent : Mr.M.Chandra Sekaran,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.970 of 2020 on the file of the Respondent Police

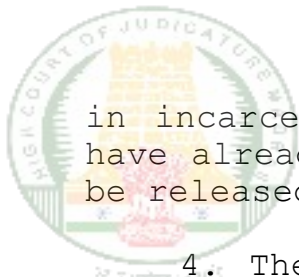
ORDER : The Court made the following order :-

The petitioner/A4 herein was arrested and remanded to judicial custody on 28.07.2020 for the alleged offences under Sections 341, 324 and 307 of IPC, in Crime No.970 of 2020 on the file of the respondent Police, seeks bail.

2.Totally there are four accused in this case. The case of the prosecution is that the defacto complainant/injured witness said to have murdered one Sathish, who is the friend of the petitioner herein. On the date of occurrence, the petitioner and other accused said to have attacked the defacto complainant and caused injuries and insofar as the petitioner is concerned, the petitioner said to have attacked the defacto complainant with iron rod on the back side. Hence, the crime has been registered.

3. The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He further submitted that the petitioner is

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



in incarceration for more than 30 days and A1 to A3 in this case have already been released on bail by the lower Court, hence he may be released on bail.

4. The learned Additional Public Prosecutor appearing for the respondent Police would submit that as per FIR, the serious allegation against the petitioner is that the petitioner said to have attacked the defacto complainant with iron rod on the back side. Hence he strongly opposed to grant bail to the petitioner. He would also submit that A1 to A3 have already been enlarged on bail by the Court below.

5. Taking note of the above facts and circumstances of the case and also taking note of the period of incarceration and also the fact that A1 to A3 have already been enlarged on bail by the Court below, 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.IV, Madurai.

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 petitioner/ accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

27/08/2020

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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.

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- TO
1. THE JUDICIAL MAGISTRATE NO.IV, MADURAI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE OFFICER INCHARGE, SUB JAIL, USILAMPATTI.
 4. THE INSPECTOR OF POLICE,
SOUTH GATE POLICE STATION, MADURAI CITY.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9011 of 2020
Date :27/08/2020

AE/PN/SAR-2/27.08.2020/3P.6C