



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

Date : 28/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9055 of 2020

KALEESWARAN

... PETITIONER/ACCUSED NO.8

VS

STATE REP.BY

THE SUB INSPECTOR OF POLICE,
THIRUVADANAI POLICE STATION,
RAMANATHAPURAM DISTRICT
CRIME NO.234 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : M/s. C.Muthu Saravanan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

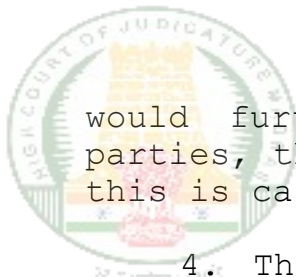
For Bail in Crime No. 234 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A8 herein was arrested and remanded to judicial custody on 15.08.2020 for the alleged offence under Sections 147 of IPC and Section 3(1) of TNPPDL Act.

2. The case of the prosecution is that there are two groups in the village. Due to a wordy quarrel arouse between the two groups, both of them have beaten them with bottles and hands and damaged the cool drinks bottle and Xerox Machine in the shop of the defacto complainant and caused damage to the value of Rs.1 Lakh. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant are neighbours. He



would further submit that due to previous enmity between the parties, the defacto complainant has preferred a false complaint and this is case in counter.

4. The learned Government Advocate (criminal side) appearing for the respondent police, on instructions submitted that this is case in counter and the petitioner has also preferred a complaint against the defacto complainant and others and the same has been registered in Crime No.233 of 2020 on the file of the respondent police. He further submitted that the petitioner along with other accused said to have damaged the petty shop of the defacto complainant and caused loss for the worth of Rs.1 Lakh.

5. Taking note of the above facts and circumstances of the case and also considering the fact that it is a case in counter and also taking note of the fact that co-accused in this case were granted anticipatory bail by this Court and the injured persons were already 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.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram 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 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/-

28/08/2020

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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,
THIRUVADANAI, RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3 THE SUB INSPECTOR OF POLICE
THIRUVADANAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB-JAIL, TIRUPPATHUR, SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.9055 of 2020
Date :28/08/2020

AAV
JM/VR/SAR 3/28.08.2020/3P/6C