



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.9053 of 2020

Kaleeswaran

... Petitioner/Accused No.8

Vs

State rep.by
The Sub-Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District
Crime No.232 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 :-

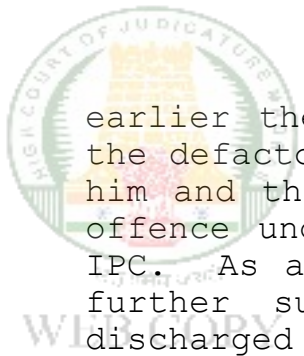
For Bail in Crime No. 232 of 2020 on the file of the
Respondent Police

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, 148, 294(b), 323, 324 and 307 of IPC

2. The case of the prosecution is that there are two groups in the village. Due to previous motive, a wordy quarrel arose between the petitioner and the defacto complainants, the petitioner along with other said to have attacked the defacto complainant with bottles and beaten him. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the above case. He further submitted that it is a case in counter,



earlier the petitioner along with other accused were attacked by the defacto complainants and hence, he has given a complaint against him and the same was registered in Crime No.233 of 2020 for the offence under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC. As a counter blast, the present complaint has been filed. He further submitted that the injured persons have already been discharged from the hospital.

4. The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that it is a case in counter and the injured persons have already been discharged from the hospital. He further submitted that in a counter case, the accused have been granted anticipatory bail by this Court in Crl.O.P.(MD).No.8708 of 2020, dated 24.08.2020.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that co-accused in this case were granted 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/-

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

ORDER
IN
CRL OP(MD) No.9053 of 2020
Date :28/08/2020

AAV
AE/PN/SAR-II (28.08.2020) 3P 6C