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

Date : 04/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9331 of 2020

Chinnaraj ... Petitioner/Accused

Vs

State of Tamilnadu,
Rep.by Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District. ... Respondent

For Petitioner : Mr. U.Kasipandian,
Advocate.

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

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

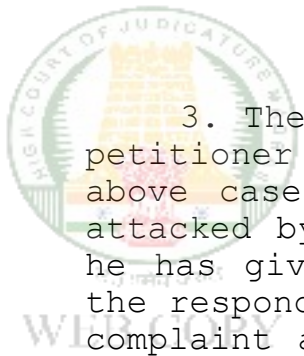
PRAYER :-

For Bail in Crime No.891 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 26.07.2020 for the alleged offences under Sections 294(b), 307 and 506(ii) of IPC.

2. The case of the prosecution is that on the date of occurrence there was a quarrel between the petitioner and the defacto complainant and due to the same the petitioner herein attacked the defacto complainant with aruval, however he waded off the attack, and the petitioner herein also criminally intimidated 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 would also submit that earlier the petitioner was attacked by the police and one of his leg was amputated, for which he has given complaint before the Human Rights Commission and now the respondent police is threatening the petitioner to withdraw the complaint and when he refused to do so, the respondent police has foisted a false case against the petitioner. He would also submit that the defacto complainant did not sustain any injury and the petitioner is in jail for more than 30 days. Hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner is a notorious rowdy element and he is having 41 previous cases and earlier he was detained under Act.14 of 1982. He would also submit that due to previous enmity the petitioner herein tried to attack the defacto complainant, since he waded off he did not sustained any injuries. If he is released on bail, he will indulge in similar type of offences again.

5. From the perusal of the materials available on record it is seen that the petitioner herein tried to attacked the defacto complainant with aruval, however he did not sustained any injuries. It is also seen that the previous cases are pending against the petitioner from the year 2005 to 2019. Now it is also stated that the petitioner is in jail for more than 30 days and investigation is almost completed.

6. Taking note of the above facts and circumstances of the case and also taking note of the fact that the defacto complainant did not sustain any injuries and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. 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.II, 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 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.

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

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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.

TO

1.THE JUDICIAL MAGISTRATE NO.II, KOVILPATTI.

2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3.THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.

4.THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.

5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.U.KASI PANDIAN, Advocate (SR-6251[I] dated
04/09/2020)

ORDER

IN

CRL OP(MD) No.9331 of 2020

Date :04/09/2020

AAV

AE/VR/SAR-II (04.09.2020) 3P 7C