



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/09/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9077 of 2020

Vigneshwaran @ Vicky

... Petitioner/Accused No.1

Vs

The State Rep. by
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
(Crime No.499 of 2020).

... Respondent/Complainant

For Petitioner : M/s.S.Deenadhayalan,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

for a Bail in Crime No.499 of 2020 on the file of the
respondent police

ORDER : The Court made the following order :-

The petitioner/A1 herein was arrested and remanded to judicial
custody on 29.07.2020 for the alleged offences under Sections
294(b), 323, 324 and 307 of IPC.

2. There are totally four accused in this case and the
petitioner herein is arrayed as A1. The case of the prosecution is
that there was a previous enmity between the petitioner and the
defacto complainant in which the petitioner along with other
accused persons is said to have attacked the defacto complainant,
caused damage to his two wheeler and also criminally intimidated
him.

3. The learned counsel for the petitioner would submit that it
is a case and case in counter. In the said occurrence the defacto
complainant also attacked the petitioner and a case has been
<https://hcservices.ecourts.gov.in/hcservices/>



registered in Crime No.498 of 2020. He would also submit that the petitioner is in jail for nearly one month and the injured was already discharged from the hospital

4. The learned Additional Public Prosecutor would submit that the petitioner herein along with other accused persons said to have attacked the defacto complainant and caused injuries. It is case and case in counter and now the injured was discharged from the hospital. He would also submit that all the arrested persons were released on bail.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that it is a case and case in counter and co-accused in this case were released on bail 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.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Ramanathapuram

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 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/-

01/09/2020

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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 No.II,
RAMANATHAPURAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICER IN-CHARGE,
DISTRICT JAIL,
RAMANATHAPURAM.

ORDER
IN
CRL OP(MD) No.9077 of 2020
Date :01/09/2020

AAV
TE/AKM/SAR-III : 01/09/2020 : 3P/6C