



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

Date : 11/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP(MD) . No.9568 of 2020

Selvam

... Petitioner/Accused No.1

Vs

State rep by its
The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District
Crime No. 430 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.Sundarapandian,
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.430 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 03.08.2020 for the alleged offences under Sections 294 (b), 307 and 506(ii) of IPC.

2. The petitioner and the defacto complainant are neighbor and there was a money dispute between them. On the occurrence the defacto complainant herein said to have scolded his wife due to some family dispute and the petitioner herein mistakenly understood that the defacto complainant is abusing him, went to the house of the defacto complainant, attacked him with aruval and caused injuries in his stomach. Hence the Complaint.

3. The learned counsel for the petitioner would submit that earlier there was a previous enmity between the parties and on the date of occurrence due to sudden provocation the petitioner herein attacked the defacto complainant and now the injured was also discharged from the hospital.

4. The learned Government Advocate(Crl.Side) would submit that there is dispute between the defacto complainant and his wife and the petitioner herein unnecessarily went to the house of the defacto complainant attacked him with aruval and caused injuries. He would also submit that the injured was discharged from the hospital.



5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the occurrence is said to have taken place in a wordy quarrel and due to previous enmity and also the fact that 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, Cheranmahadevi, Tirunelveli 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/-

11.09.2020

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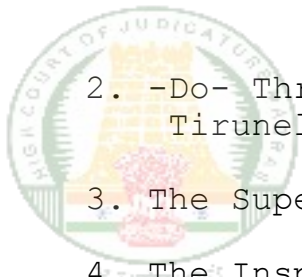
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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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



2. -Do- Thro The Chief Judicial Magistrate,
Tirunelveli.

3. The Superintendent, Central Prison, Palayamkottai

4. The Inspector of Police,
Suthamalli Police Station,
Tirunelveli District

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP (MD) No.9568 of 2020

Date : 11/09/2020

VB Rsk SAR2 (11.09.2020) 3P 6C