



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/09/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.9812 of 2020

K.Raja Clement

... Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
Sydunganallur Police Station,
Sydunganallur,
Tuticorin District.
Crime No.432/2020.

... Respondent/Complainant

For Petitioner : M/s.V.Malaiyendran
for M/s.B.Char Murugan,
Advocate.

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

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

PRAYER :-

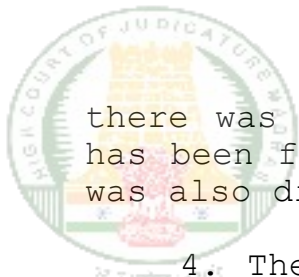
For Bail in Crime No.432/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner herein was arrested and remanded to judicial custody on 14.07.2020 for the alleged offences under Sections 341 and 307 of IPC.

2. The case of the prosecution is that the petitioner's mother was working under the defacto complainant and there was a quarrel between them and when the defacto complainant stopped her from work. Due to the same, on the date of occurrence when the son of the defacto complainant was going in a two wheeler the petitioner herein waylaid him attacked him with aruval in the head and caused injuries. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner's mother was working under the defacto complainant and



there was a quarrel between them and due to the same a false case has been foisted against him. He would also submit that the injured was also discharged from the hospital.

4. The learned Government Advocate(Crl.Side) would submit that due to some motive the petitioner herein caused injuries to the son of the defacto complainant and now the injured was also 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 also the fact that the injured was discharged from the hospital and also taking into consideration the period of incarceration, 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, Srivaikundam, Thoothukudi 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, SRIVAIKUNDAM,
THOOTHUKUDI DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
 3. THE SUPERINTENDENT, CENTRAL PRISON, PALAYAMKOTTAI.
 4. THE INSPECTOR OF POLICE, SYDUNGANALLUR POLICE STATION,
SEYDUNGANALLUR, TUTICORIN DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC M/s.B.CHAR MURUGAN, Advocate, SR NO.6453

ORDER
IN
CRL OP(MD) No.9812 of 2020
Date :16/09/2020

MS/VR/SAR-4/18.09.2020/3P.7C