



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/09/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.10349 of 2020

Karuppasamy

... Petitioner/Accused No.4

Vs

State through
The Inspector of Police,
Puthiamputhur Police Station,
Thoothukudi District ,
Crime No. 357 of 2020.

... Respondent/Complainant

For Petitioner : Mr.J.Joseph Zinoson,
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.357 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 28.08.2020 for the alleged offences under Sections 294(b), 323, 324, 307 and 506(ii) of IPC.

2. There are totally four accused in this case and the petitioner herein is arrayed as A4. The case of the prosecution is that earlier in a house warming ceremony there was a wordy quarrel between A3 and the defacto complainant for which A3 said to have engaged all other accused and attacked the defacto complainant and other person and caused injuries. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this



case. He would also submit that the occurrence is said to have taken place in a wordy quarrel and the motive is between A3 and the defacto complainant only and there is no specific overt act against this petitioner. He would also submit that the injured was discharged from the hospital.

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4. The learned Government Advocate(Crl.Side) would submit that earlier in a house warming ceremony there was a wordy quarrel between A3 and the defacto complainant for which A3 said to have engaged all other accused and attacked the defacto complainant and other person 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 said to have taken place in a wordy quarrel and the main allegations are against A3 and also the fact that 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 No.I, 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 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.

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.

TO

1. THE JUDICIAL MAGISTRATE NO.I,
THOOTHUKUDI DISTRICT.
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE OFFICER INCHARGE,
PEROORANI SUB JAIL, THOOTHUKUDI
4. THE INSPECTOR OF POLICE,
PUTHIAMPUTHUR POLICE STATION,
THOOTHUKUDI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10349 of 2020
Date : 25/09/2020

AAV
AE/VR/SAR-I (25.09.2020) 3P 6C