



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

Date : 18/11/2020

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.12776 of 2020

Vicky

... Petitioner/Accused No.5

Vs

State Rep.by
The Inspector of Police,
Chekanurani Police Station,
Madurai District.
Crime No.1912 of 2020.

... Respondent/Complainant

For Petitioner : M/s.R.Senthilkumar, 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 Cr.No.1912 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner was arrested and remanded to Judicial Custody on 12.10.2020 for the offences punishable under sections 147, 148, 452, 294(b), 324, 307 and 506(ii) of I.P.C., in Crime No.1912 of 2020 on the file of the respondent police. He seeks bail.

3. The case of the prosecution is that the petitioner along with other accused persons had assaulted the defacto complainant with deadly weapon. Hence, the complaint.

4. The learned counsel for the petitioner submits that the petitioner has not committed any offence and he has been falsely implicated in this case.

5.The learned Government Advocate (Crl.side) made a submission that the injured defacto complainant had already been discharged



6. Taking into consideration the facts and circumstances of the case and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

WEB COPY (a) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate Court II, Usilampatti.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police for interrogation, as and when required.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

18/11/2020

/ TRUE COPY /

/ /2020

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, USILAMPATTI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT SUB JAIL,
SRIVILLIPUTHUR AT VIRUDHUNAGAR DISTRICT.
4. THE INSPECTOR OF POLICE,
CHEKANURANI POLICE STATION, MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12776 of 2020
Date :18/11/2020

MS/PN/SAR-2/18.11.2020/3P.6C