



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

Date : 02/12/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.13789 of 2020

Kumaresan

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Thiruthangal Police Station,
Virudhungar District.
Crime No.1201 of 2020

... Respondent/Complainant

For Petitioner : M/s.K.Gokul,
Advocate.

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

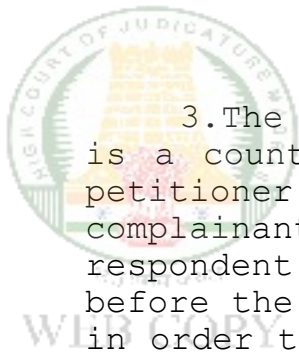
PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.1201 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 07.11.2020 for the offences punishable under Sections 294 (b), 307 and 506(ii) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner along with other accused occupied the public place and constructed a building in their village and when the defacto complainant condemned the attitude of the petitioner due to which a motive has been arisen between themselves and on account of the same on 06.11.2020 at about 12.30 pm., while the defacto complainant riding his two wheeler bearing Reg. No.TN 95 C 5583 the petitioner herein along with other accused persons followed the defacto complainant behind his two wheeler in a Tata Indica Car bearing Reg. No. TN 72 AH 6315 with a intention to kill the defacto complainant and scolded him in filthy language and attacked him, due to which he sustained injuries. Hence the complaint.



3.The learned counsel for the petitioner would submit that this is a counter complaint preferred by the defacto complainant. The petitioner's sister preferred a complaint against the defacto complainant and the First Information Report was registered . As the respondent police not arrested A1 sister preferred a complaint before the Inspector General of Police, Madurai on 29.10.2020, hence in order to escape from the clutches of law the defacto complainant with the help of respondent police preferred a false complaint against the petitioner. the petitioner is innocent and a false case has been foisted against the petitioner. He would also submit that the injured was already discharged from the hospital.

4. The learned Government Advocate(Crl.Side) would submit that due to some previous enmity petitioner along with other accused followed the defacto complainant behind his two wheeler in a Tata Indica Car bearing Reg. No. TN 72 AH 6315 with a intention to kill the defacto complainant and scolded him in filthy language and attacked him, due to which he sustained injuries. He would also submit that A1 is a history sheeted rowdy and A2 is having two previous cases. 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 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.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sivakasi

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 and 5.30 pm., for a period of four weeks and thereafter 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 *Pradeep Kumar 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/-
02/12/2020

/ TRUE COPY /

WEB 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, SIVAKASI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE OFFICER INCHARGE,
DISTRICT JAIL, DINDIGUL.
4. THE INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION, VIRUDHUNGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.GOKUL Advocate SR.No.23719

ORDER
IN
CRL OP(MD) No.13789 of 2020
Date :02/12/2020

MS/PN/SAR-3/02.12.2020/3P.7C