



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

Date : 03/12/2020

PRESENT

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

CRL OP(MD). No.13936 of 2020

T.Boobalan ... Petitioner/Accused

Vs

State Rep. by
The Inspector of Police,
Melur Police Station,
Madurai District.
Crime No.2114 of 2020. ... Respondent/Complainant

For Petitioner : M/s.S.Mp Amalan,
Advocate.

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

For Intervener : Mr.S.M.A.Jinnah, Advocate

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

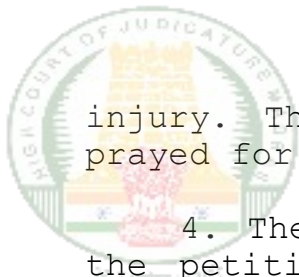
PRAYER :- For Bail in Crime No.2114 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 19.11.2020 for the offences punishable under Sections 147, 148, 294(b), 506(ii) of I.P.C, r/w Section 3 (i) of TNPPDL Act, on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner along with other accused said to have abused the defacto complainant by using filthy language and assaulted him with hands and caused injury and also caused damage to the defacto complainant's car. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that originally, the petitioner's brother-in-law was murdered by somebody and the villagers suspected the petitioner as the defacto complainant. Thereby, they attacked him and caused



injury. The injured was discharged from the hospital. Hence, he prayed for grant of bail to the petitioner.

4. The learned Government Advocate(Crl.Side) would submit that the petitioner along with other accused said to have abused the defacto complainant by using filthy language and assaulted him with hands and caused injury and also caused damage to the defacto complainant's car.

5. It is seen that the petitioner along with other accused said to have abused the defacto complainant by using filthy language and assaulted him with hands and caused injury and also caused damage to the defacto complainant's car. Earlier the petitioner's brother-in-law was murdered by somebody. Due to which, the villagers suspected the defacto complainant and also attacked him. However, the injured was discharged from the hospital.

6. 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.

7. Accordingly, the petitioner is ordered to be released on bail subject to the following conditions:

(i) The petitioner shall deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.2114 of 2020 before the learned Judicial Magistrate, Melur, Madurai District. On such deposit, the petitioner shall executed 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, Melur, Madurai District.

ii) 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

iii) the petitioner shall stay at Chengalpattu and report before the Inspector of police, Chengalpattu Police Station, Morning at 10.30 a.m and Evening at 5.30 p.m until further orders.

iv) the petitioner shall not tamper with evidence or witness.

v) the petitioner shall not abscond during trial.

vi) 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 *Shriji vs. State of Kerala* [(2005) AIR SCW 5560].



vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
03/12/2020

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

COPY TO:

THE INSPECTOR OF POLICE,
CHENGALPATTU POLICE STATION,
CHENGALPATTU.

ORDER
IN
CRL OP(MD) No.13936 of 2020
Date :03/12/2020

DSS
JM/PN/SAR IV/03.12.2020/3P/7C