



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

Date : 15/12/2020

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PRESENT

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

CRL OP(MD). No.14790 of 2020

Anbunathan

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Tamil University Police Station,
Tamil University Post,
Thanjavur District.
Crime No.865 of 2020.

... Respondent/Complainant

For Petitioner : Mr.D.Veerasekaran,
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.865 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 25.09.2020 for the offences punishable under Sections 294(b), 341, 332, 307 and 506(ii) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 18.09.2020 at about 10.30 pm., due to previous motive the petitioner herein attacked the defacto complainant who is the Manager of Thanjvur District Milk Producer Co-operative Society during night hours. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is working as a Secretary of Thanjvur District Milk Producer Co-operative Society and due to wordy quarrel the petitioner herein attacked the defacto complainant. He would also submit that the injured was discharged from the hospital. He



further submitted that initially the petitioner was detained under Act.14 and subsequently the detention order was set aside by the Advisory Board on 27.11.2020. He would also submit that the petitioner is in jail from 25.09.2020, hence he seeks bail.

4. The learned Government Advocate(Crl.Side) would submit that the due to previous enmity the petitioner herein attacked the defacto complainant, due to which he sustained injuries and admitted in the hospital and later discharged. He would also submit that initially the petitioner was detained under Act.14 and subsequently the detention order was set aside by the Advisory Board on 27.11.2020

5. It is seen that the petitioner is a sole accused and due to previous enmity the petitioner herein attacked the defacto complainant, as such he sustained injuries, admitted in the hospital and later discharged from the hospital. Though the petitioner was detained under Act.14, the detention order was set aside by the Advisory Board. Further it seen that the petitioner is in jail from 25.09.2020.

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 subject to the following conditions:

7. 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, Thanjavur 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 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 *Govindarajan P. 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/-
15/12/2020

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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,
THANJAVUR DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3.THE INSPECTOR OF POLICE,
TAMIL UNIVERSITY POLICE STATION,
TAMIL UNIVERSITY POST,
THANJAVUR DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.VEERASEKARAN, Advocate (SR-8220[I] dated 16/12/2020)

ORDER
IN
CRL OP(MD) No.14790 of 2020
Date :15/12/2020

AAV
TK/VR/SAR.2/15.12.2020/3P/7C