



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/12/2020

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.16023 of 2020

Sakthimani

... Petitioner/Accused No.3

Vs

State:The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
Crime No.1207 of 2020.

... Respondent/Complainant

For Petitioner : Mr.G.Thalaimutharasu,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

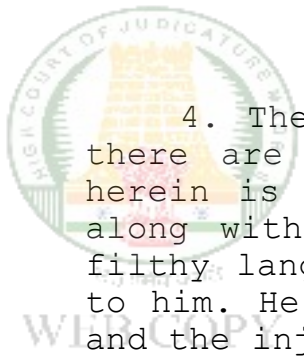
For Bail in Crime No.1207 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 16.12.2020 for the offences punishable under Sections 294(b),307,323 and 506(ii) of IPC @ 147,148,294(b),342,323,324,307 and 506(ii) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that due to previous motive the petitioner along with other accused had abused the defacto complainant with filthy language, attacked him with aruval and also caused injuries to him. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is no way connected with the offence and he is innocent. He would also submit that it is a case and case in counter and the injured was also discharged from the hospital.



4. The learned Government Advocate(Crl.Side) would submit that there are totally eight accused in this case and the petitioner herein is arrayed as A3. Due to previous motive the petitioner along with other accused had abused the defacto complainant with filthy language, attacked him with aruval and also caused injuries to him. He would also submit that it is a case and case in counter and the injured was also 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 and also taking note of the fact that the injured was discharged from the hospital, 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, Kovilpatti, 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.

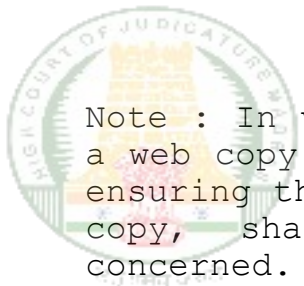
v) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
30/12/2020

/ 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.

WEB COPY

TO

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

ORDER
IN
CRL OP(MD) No.16023 of 2020
Date :30/12/2020

AAV/SJI
AE/PN/SAR-III (30.12.2020) 3P / 6C