



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30/12/2020

PRESENT

The Hon'ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.16029 of 2020

T.Surya

... Petitioner/Accused-1

Vs

The State of Tamil Nadu
Rep. by it's Inspector of Police,
Abiramam Police Station,
Ramanathapuram.
Crime No.530 of 2020.

... Respondent/Complainant

For Petitioner : M/s.Bhagavath Singh,
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.530 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 13.12.2020 for the offences punishable under Sections 294(b), 323, 324, 506(ii) and 307 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that due to pathway dispute between the petiitoner and the defacto complainant the petitioner and other accused persons attacked the defacto complainant and caused injuries and also made an attempt to murder him.

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 the injured was also discharged from the hospital.



4. The learned Government Advocate(Crl.Side) would submit that there are totally two accused in this case and the petitioner herein is arrayed as A1. Due to pathway dispute between the petitioner and the defacto complainant the petitioner and other accused persons attacked the defacto complainant and caused injuries and also made an attempt to murder him. He would also submit that the injured was also discharged from the hospital and the co-accused in this case was granted bail by the learned Principal District and Sessions Judge, Ramanathapuram.

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 and also the fact that co-accused in this case was granted bail by the Court below, 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 District Munsif cum Judicial Magistrate, Kamuthi.

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.

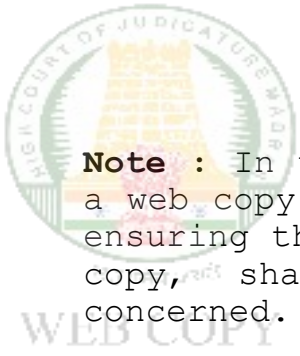
sd/-

30/12/2020

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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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KAMUTHI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
ABIRAMAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICER INCHARGE,
DISTRICT PRISON,
RAMANATHAPURAM.

ORDER
IN
CRL OP (MD) No.16029 of 2020
Date : 30/12/2020

AAV/SJI
TE/SMA/SAR-III : 30/12/2020 : 3P/6C