



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

Date : 22/01/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.308 of 2021

Ragupathyraja

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
Crime No.1115 of 2020

... Respondent/Complainant

For Petitioner : Mr.T.Veerakumar,
Advocate.

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

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

PRAYER :-

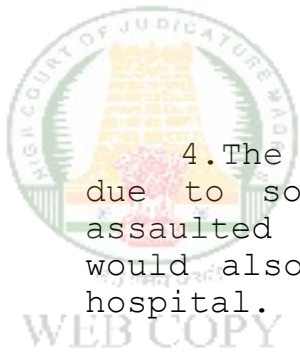
For Bail in Crime No.1115 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 12.12.2020 for the offences punishable under Sections 342,294(b) and 307 of IPC on the file of the respondent police seeks bail.

2. The defacto complainant is the wife of the petitioner. The case of the prosecution is that due to some family dispute the petitioner herein said to have assaulted the defacto complainant with knife. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are husband and wife. He would also submit that the petitioner is innocent and a false case has been foisted against the petitioner. He would also submit that the petitioner is in jail for more than 30 days and the injured was also discharged from the hospital, hence he seeks bail.



4.The learned Government Advocate(Crl.Side) would submit that due to some family dispute the petitioner herein said to have assaulted the defacto complainant, who is his wife with knife. He would also submit that 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 sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I,Sivagangai

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 stay at Madurai and report before the Anna Nagar Police Station 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.

vii) the petitioner shall not enter into the house of the defacto complainant.

sd/-

22/01/2021

/ TRUE COPY /

/ /2021

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.I,
SIVAGANGAI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION, MADURAI.

ORDER
IN
CRL OP(MD) No.308 of 2021
Date :22/01/2021

AAV
TK/VR/SAR.2/22.01.2021/3P/7C