



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/01/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.655 of 2021

V.Ramasamy @ Chinnappan

... Petitioner/5th Accused

Vs

State Rep. by
The Inspector of Police,
Uppiliyapuram Police Station,
Trichy District
Crime No. 7/2021.

... Respondent/Complainant

For Petitioner : Mr.Lenin Kumar.T,
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. 7/2021 on the file of the
Respondent Police

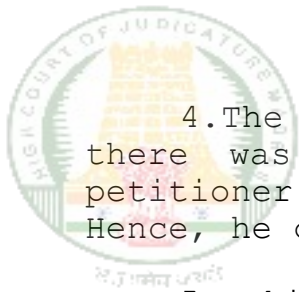
ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 03.01.2021 for the offences punishable under Sections 147, 148, 294(b), 323, 307 and 506(ii) IPC, in Crime No.7 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant fell in love with the daughter of the first accused. Due to which that there was a dispute between the first accused and the defacto complainant's family and hence, the petitioner along with other accused are said to have attacked the defacto complaint with knife and abused him in filthy language and also threatened him with dire consequences. Hence, the present complaint.

3.The learned counsel for the petitioner would submit that petitioner herein is arrayed as A5 and he is an innocent person and he has not committed any offence as alleged by the prosecution. He would also submit that the petitioner was arrested on 03.01.2021 and

<https://hcservices.ecourts.gov.in/hcservices>



4.The learned Government Advocate(Crl.Side) would submit that there was a dispute between the family members and that the petitioner is alleged to have attacked the defacto complainant. Hence, he opposed to grant bail to the petitioners.

5.Taking note of the above facts and circumstances of the case also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thuraiyur.

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 appear before the respondent Police daily at 10.30 a.m for a period of two 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
20/01/2021

/ 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



TO

1 THE JUDICIAL MAGISTRATE,
THURAIYUR.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE,
UPPILYAPURAM POLICE STATION,
TRICHY DISTRICT.

4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.655 of 2021

Date :20/01/2021

trp

JM/PN/SAR I/20.01.2021/3P/6C