



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

Date : 01/02/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1223 of 2021

Prem @ Premkumar

... Petitioner/Accused No.7

Vs

State Rep. by
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai District.
Crime No. 1122 of 2020.

... Respondent/Complainant

For Petitioner : M/s.Balamuruganantham.R.,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.1122 of 2020 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ A7, who was arrested and remanded to judicial custody on 20.12.2020 for the offences punishable under Sections 147, 148, 294(b), 342, 324, 307 and 506(ii) I.P.C. on the file of the respondent police seeks bail.

2. The case of the prosecution is that the petitioner herein along with other accused unlawfully assembled together, wrongfully confined and abused the defacto complainant in filthy language and attempted to murder him. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that the co-accused in this case were granted bail by this Court in Crl.O.P(MD) No.547 of 202 on 19.01.2020 and Crl.O.P (MD) No. 643 of 2021 on 20.01.2021 and injured person was already discharged from the hospital, hence he

<https://hcmvscs.courts.madras.gov.in/tocsvictsbail>.



4. The learned Government Advocate(Crl.Side) would submit that there are totally 18 accused in this case and the petitioner herein is arrayed as A7.. The petitioner herein along with other accused unlawfully assembled together, wrongfully confined and abused the defacto complainant in filthy language and attempted to murder him and now the injured was also discharged from the hospital. He would also submit that the co-accused in this case were granted bail by this Court in Crl.O.P(MD) No.547 of 202 and Crl.O.P (MD) No. 643 of 2021 on 20.01.2021. He would also submit that A1 is having 12 previous cases, A3 is having 9 previous cases and A9 is having one previous case.

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 already discharged from the hospital and the fact that co-accused were released on bail by this Court, 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, Sivagangai 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/-

01/02/2021

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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.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
SIVAGANGAI, SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1223 of 2021
Date :01/02/2021

aav
JM/VR/SAR II/01.02.2021/3P/6C