



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/02/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1898 of 2021

Vasanth @ Vasanthakumar @ KumbakkudiVasanth,
... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Srirangam Police Station,
Trichy District.
Crime No.1140/2020 ... Respondent/Complainant

For Petitioner : M/S.R.Yamuna,
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.1140/2020 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 26.12.2020 for the offences punishable under Sections 294(b), 307 on the file of the respondent police seeks bail.

2.The case of the prosecution is that due to theft of petrol in the two wheeler, there arose a quarrel between the parties and as a result the defacto complainant sustained injuries. Hence the complaint.

3.The learned counsel for the petitioner would submit that due to theft of petrol in the two wheeler, there arose a quarrel between the parties and as a result the defacto complainant sustained injuries and the injured was also discharged from the hospital. He would also submit that the co-accused in this case were released on bail by this Court on 27.01.2021 in Crl.O.P(MD) No.1136 of 2021 petitioner was in jail for more than 40 days. He would also submit that his uncle (Gumilur) died on 29.01.2021 and he had no issues and the petitioner being the only son had to attend the 16th day ceremony on 14.02.2021, hence he may be granted bail.



4. The learned Government Advocate(Crl.Side) would submit due to theft of petrol in the two wheeler, there arose a quarrel between the parties and as a result the defacto complainant sustained injuries. He would also submit that the injured was discharged from the hospital. He would also submit that the co-accused in this case were released on bail by this Court on 27.01.2021 in Crl.O.P(MD) No.1136 of 2021. He would further submit that this is the second bail petition and the earlier petitioner was dismissed on the ground that the petitioner is having three previous cases and he is son of police constable, who is working in Ponmalai Police Station, Trichy District.

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 petitioner has to attend the 16th day ceremony of his uncle on 14.02.2021, 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, Srirangam.

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 from 16.02.2021 to 01.03.2021 without fail.

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/-
09/02/2021

/ 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, SRIRANGAM.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
SRIRANGAM 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.1898 of 2021
Date :09/02/2021

AAV
TK/VR/SAR.1/09.02.2021/3P/6C