



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

Date : 17/02/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.1820 of 2021

Kannan

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Musiri Police Station, Musiri,
Trichy District.
Crime No.64 of 2021.

... Respondent/Complainant

For Petitioner : Mr.T.Vadivelan,
Advocate.

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

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

PRAYER :-

For Bail Crime No.64 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 22.01.2021 for the offences punishable under Sections 147,148,294(b),341,324,120(B) and 307 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner herein along with other accused said to have abused the defacto complainant and assaulted him with deadly weapons. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and a false case has been foisted against the petitioner. He would also submit that there is nobody to take care of him and hence is yet to be discharged from the hospital.

4. The learned Government Advocate(Crl.Side) would submit that there are totally 11 accused in this case. A1 is the President of Soraipatti Village, A2 is the close friend of A1. A3 was working as



Clerk under A1 in the Panchayat. A4 mother is working in the Serakudi Panchayat. A5 to A11 are the villagers. The defacto complainant/injured is a social activist and a member of 10&gha; , af;fk;. He used to send complaint about the mismanagement and the forgery committed by the local panchayat President and other officials. A1 and A4 are doing some illegal activities. Finding that the defacto complainant is the obstacle for their illegal work had engaged A2 and who inturn arranged A5 to A11 in this case to do away the life of the defacto complainant and assaulted him, in which he sustained injuries and taking treatment.

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 he only accompanied A1 who is working as a Panchayat President and except this no other allegation has been levelled against him, hence 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, Musiri.

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/-

17/02/2021

/ 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, MUSIRI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
MUSIRI POLICE STATION, MUSIRI,
TRICHY DISTRICT.
- 4.THE OFFICER INCHARGE,
SUB JAIL, LALGUDI.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.T.VADIVELAN, Advocate (SR-1098[I] dated 17/02/2021)

ORDER
IN
CRL OP(MD) No.1820 of 2021
Date :17/02/2021

AAV
TK/PN/SAR.3/17.02.2021/3P/7C