



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

Date : 11/02/2021

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

CRL OP(MD). No.2144 of 2021

Lamek

... Petitioner/Accused No.1

Vs

State Rep.by  
The Inspector of Police,  
Karivalamvanthanallur Police Station,  
Tenkasi District.  
(In Crime No.21/2021)

... Respondent/Complainant

For Petitioner : Mr.T.Indrachithu,  
Advocate.

For Respondent : Mr.M.Chandrasekaran,  
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.21/2021 on the file of the Respondent police.

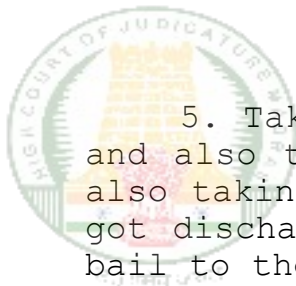
ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 18.01.2020 for the offences punishable under Sections 147,148,448,294(b),323, 307,506(ii) of IPC and Section 4 of TNPHW Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that due to some dispute regarding fetching water in a public tap the petitioner herein along with other accused abused the defacto complainant, assaulted her and also threatened with dire consequences. Hence the complaint.

3.The learned counsel for the petitioner would submit that a false case has been foisted against the petitioner. He would also submit that it is a case in counter and the injured in both the cases got discharged from the hospital.

4. The learned Additional Public Prosecutor would submit that there are totally five accused in this case and the petitioner herein is arrayed as A1. He would also submit that it is a case in counter and the injured got 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 it is case in counter the injured got 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, Sankarankovil, Tenkasi 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 4.30 p.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 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/-  
11/02/2021

/ 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.



TO

1. THE JUDICIAL MAGISTRATE,  
SANKARANKOVIL, TENKASI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,  
KARIVALAMVANTHANALLUR POLICE STATION,  
TENKASI DISTRICT.
4. THE OFFICER INCHARGE, SUB JAIL,  
TENKASI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.2144 of 2021  
Date :11/02/2021

AAV  
MS/VR/SAR-3/11.02.2021/3P.6C