



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3300 of 2021

Ramesh

... Petitioner/Accused No.1

Vs

State rep.by,
The Inspector of Police,
Kalaiyarkoil Police Station,
Sivagangai District.
Crime.No.658 of 2020..

... Respondent/Complainant

For Petitioner : M/s.Thiruvadi Kumar A,
Advocate.

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

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

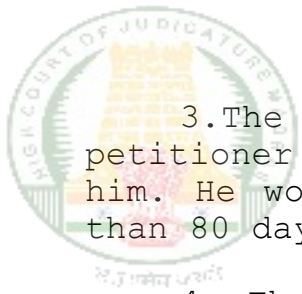
PRAYER :-

For Bail in Crime No.658 of 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 19.12.2020 for the offences punishable under Sections 147,148,341,294(b),342,324,307,506(ii) of IPC and Section 25(1-A) of Arms Act, 1959 on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner along with other accused unlawfully assembled together, wrongfully restrained the defacto complainant and his friends and assaulted 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 him. He would also submit that the petitioner is in jail for more than 80 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that both the petitioners group and the defacto complainant group are rowdy elements. He would also submit that the petitioner along with other accused said to have abused the defacto complainant and assaulted him with deadly weapons. He would also submit that six previous case is pending against the petitioner.

5. It is seen that the occurrence is said to have taken place in the wineshop . The defacto complainant was assaulted by the petitioner and it is a retaliation. This petitioner had murdered one Arun Kumar for which and Spl.S.C.No.47 of 2020 is pending trial on the file of the PCR Court, Sivagangai. Further the petitioner's group and the defacto complainant's group are both rowdy elements.

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

7.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

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 stay at Chengalpattu and report before the Chengalpattu Town Police Station daily at 10.30 a.m and 5.30 pm. until further orders and the petitioner shall not enter Sivagangai District except the days when his presence is required before the Court for hearing.

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.

8. The trial Court is directed to complete the trial proceedings in Spl.S.C.No.47 of 2020 pending on the file of the P.C.R Court, Sivagangai as expeditiously as possible without any delay. Further if any of the accused persons adopts any dilatory tactics the respondent police is at liberty to secure the accused persons and proceed in accordance with law.

sd/-
11/03/2021

/ 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 NO.I,
SIVAGANGAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.
- 3 THE INSPECTOR OF POLICE
KALAIYARKOIL POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT JAIL,
DINDIGUL.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

- 1 THE JUDGE,
P.C.R COURT,
SIVAGANGAI.

<https://hcservices.sivagangai.nic.in/>



2 THE REGISTRAR(JUDICIAL) I/C,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

3 THE INSPECTOR OF POLICE,
CHENGALPATTU TOWN POLICE STATION,
CHENGALPATTU.

ORDER

IN

CRL OP(MD) No.3300 of 2021

Date :11/03/2021

NR/VR/SAR-IV(11.03.2021) 4P:9C