



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3768 of 2021

Dhivakar

... Petitioner/ Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Manachanallur Police Station,
Manachanallur, Trichy District.
Crime.No. 106 of 2021..

... Respondent/Complainant

For Petitioner : M/s.Arunraj K,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.106 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 04.02.2021 for the offence punishable under Section 307 of IPC on the file of the respondent police in Crime No. 106 of 2021 seeks bail.

2.The case of the prosecution is that on 02.02.21 due to some civil dispute the petitioner herein attacked the victim with sickle. 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 the injured got discharged from the hospital and now grazing cattle in the agricultural field.



4. The learned Government Advocate(Crl.Side) would submit that the injured is still taking treatment in the Government Hospital, Manachanallur and he has produced the Accident Register of the injured.

5. It is seen that the petitioner is the son of the defacto complainant and the injured is the step mother. Due to some family dispute the occurrence said to have taken place. From the perusal of the Accident Register it is seen that the victim had sustained only laceration over the right ear lobe, fore arm, thumb and cheek. Further the injuries are not serious in nature and the injuries are not in the vital region.

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.III, Trichy.

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 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/-
15/03/2021

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



AAV

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.III
TRICHY.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3 THE INSPECTOR OF POLICE
MANACHANALLUR POLICE STATION, MANACHANALLUR,
TRICHY DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.3768 of 2021

Date :15/03/2021

NR/VR/SAR-II(15.03.2021) 3P:6C