



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3678 of 2021

Ganesan @ Bar Ganesan

... Petitioner/Accused

Vs

State rep.by,
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
Crime.No. 129 of 2021..

... Respondent/Complainant

For Petitioner : Porkodi Karnan, Advocate for
M/S.Polax Legal Solutions

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

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

PRAYER :-

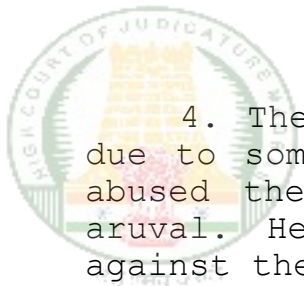
For Bail in Crime No.129 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 03.02.2021 for the offences punishable under Sections 294(b), 307 and 506(ii) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 03.02.2021 the petitioner herein abused the defacto complainant and attempted to murder him with aruval and also criminally intimidated him. 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 no one sustained injuries in the said occurrence.



4. The learned Government Advocate(Crl.Side) would submit that due to some wordy regarding payment of rent the petitioner herein abused the defacto complainant and attempted to murder him with aruval. He would also submit that 12 previous case is pending against the petitioner.

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5. It appears that there is a business dispute between both the petitioner and the defacto complainant and the petitioner herein attacked the defacto complainant, luckily he escaped and no one sustained injuries in the said occurrence.

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.II, Kovilpatti.

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/-
09/03/2021

/ 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 II,
KOVILPATTI.
 - 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.
 - 4 THE SUPERINTENDENT,
CENTRAL JAIL,
PALAYAMKOTTAI.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.POLAX LEGAL SOLUTIONS Advocate SR.No.1912

ORDER
IN
CRL OP(MD) No.3678 of 2021
Date :09/03/2021

NR/PN/SAR-II(09.03.2021) 3P:7C