



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

Date : 12/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.3801 of 2021

P.Raja @ Thangaraja

... Petitioner/Accused No.3

Vs

State Rep.by
The Sub Inspector of Police,
Thattarmadam Police Station,
Tuticorin District.
Crime No.4 of 2021.

... Respondent/Complainant

For Petitioner : Mr.T.Thirumurugan
Advocate.

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

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

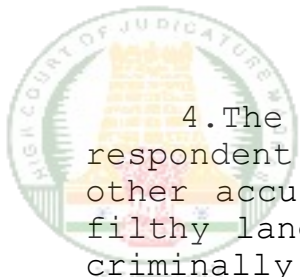
PRAYER :- For Bail in Crime No.4 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 11.02.2021 for the offences punishable under Sections 294 (b), 353, 307 and 506(i) of IPC, in Crime No.4 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant while discharging his official duty, the petitioner herein along with other accused said to have abused the defacto complainant by using filthy language and also assaulted him with bike key and stone and criminally intimidated him. Hence, a complaint has been registered

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and the allegation is only against the other accused persons and the petitioner has been falsely implicated in this case. He further submitted that the petitioner was arrested on 11.01.2021 and is in custody. Hence, he may be granted bail.



4.The learned Government Advocate (Crl.Side) appearing for the respondent Police submit that the petitioner herein along with other accused said to have abused the defacto complainant by using filthy language and also assaulted him with bike key and stone and criminally intimidated him. He would also submit that A1 in this case was detained under Act.14 and A2 in this case was granted bail by this Court on 05.03.2021 in Crl.O.P(MD) No. 1641 of 2021.

5. Taking note of the above facts and circumstances of the case and also taking note of the fact that the overt act attributed is against the first accused and also taking into consideration the period of incarceration, 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 Judicial Magistrate, Sathankulam.

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/second petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
12/03/2021

/ 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, SATHANKULAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE SUPERINTENDENT, CENTRAL JAIL,
PALAYANKOTTAI.
4. THE SUB INSPECTOR OF POLICE,
THATTARMADAM POLICE STATION,
TUTICORIN DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.3801 of 2021

Date : 12/03/2021

AAV

MS/VR/SAR-1/12.03.2021/3P.6C