



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.3792 of 2021

Kasi Raja @ Kasi

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.
Crime No.74/2021

... Respondent/Complainant

For Petitioner : Mr.S.Valmekanathan,
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. 74/2021 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 07.02.2021 for the offences punishable under Sections 147,148,294(b), 323,307 and 506(ii) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that due to previous enmity the petitioner along with other accused abused the defacto complainant 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 injured got discharged from the hospital

4. The learned Government Advocate(Crl.Side) would submit that there are totally five accused in this case and the petitioner herein is arrayed as A3. He would also submit that the injured got discharged from the hospital and A2 and A4 in this case is still



absconding. He further submitted that three previous case is pending against the petitioner.

5. It is seen that the petitioner along with his associates had attacked the defacto complainant and his grand father questioning the whereabouts of the defacto complainant's brother Vetrivel who is the prime accused relating to the murder case in Crime No. 751 of 2020. As regards this petitioner he is the said to be the member of Kuttaisankar group. The petitioner herein said to have attacked the defacto complainant and his father due to which they sustained injuries and got discharged from the hospital.

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 Inspector of Police, Chengalpattu Town Police Station daily at 10.30am., and 5.30 pm., until further orders.

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/-
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.

WEB COPY

TO

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

COPY TO:

THE INSPECTOR OF POLICE
CHENGALPATTU POLICE STATION, CHENGALPATTU.

ORDER
IN
CRL OP(MD) No.3792 of 2021
Date :12/03/2021

AAV
TK/VR/SAR.1/12.03.2021/3P/7C