



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

Date : 15/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3951 of 2021

Arumugam

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Palakkarai Police Station,
Trichy City.
Crie No.78 of 2021.

... Respondent/Complainant

For Petitioner : Mr.B.Jameel Arasu,
Advocate.

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

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

PRAYER :-

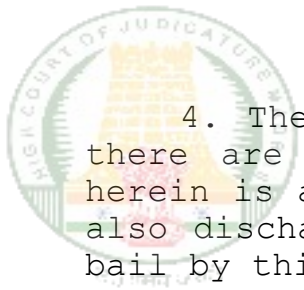
For Bail in Crime No.78 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 25.01.2021 for the offences punishable under Sections 342,294(b),323,324,506(ii) and 307 of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that due to civil dispute the petitioner along with other accused said to have stabbed the defacto complainant's husband and his son with deadly weapons and caused injuries. Hence the complaint.

3.The learned counsel for the petitioner would submit that due to civil dispute a false case has been foisted against him and now the injured got discharged from the hospital. He would also submit that A1 in this case was granted bail by this Court on 12.03.2021 in Crl.O.P(MD) No. 3798 of 2021, hence he may be granted bail.



4. The learned Government Advocate(Crl.Side) would submit that there are totally three accused in this case and the petitioner herein is arrayed as A3. He would also submit that the injured was also discharged from the hospital and A1 in this case was granted bail by this Court on 12.03.2021 in Crl.O.P(MD) No. 3798 of 2021

5. It is seen that the petitioner herein is A3 and A1 had only instigated A2 and A3 to attack the defacto complainant and his son, in which both of them sustained injuries on their stomach and back side of neck and later they were 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 and also taking note of the fact that A1 in this case was granted bail by this Court, 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.V,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 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.



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.V,
TRICHY.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
PALAKKARAI POLICE STATION,
TRICHY CITY.
- 4.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3951 of 2021
Date :15/03/2021

AAV
TK/PN/SAR.2/15.03.2021/3P/6C