



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

Date : 26/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.4080 of 2021

R.Karthick

... Petitioner/Accused A10

Vs

State Rep.by
The Inspector of Police,
Dindigul Town South Police Station,
Dindigul.
in Crime No.1908/2020

... Respondent/Complainant

For Petitioner : Mr.J.William Christopher,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

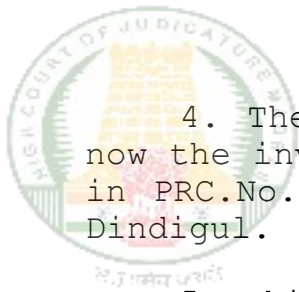
PRAYER :- For Bail in P.R.C.No.01/2021 on the file of Learned Judicial Magistrate No.III, Dindigul in Crime No. 1908/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A10, who was arrested and remanded to judicial custody on 24.10.2020 for the offence punishable under Sections 147, 148, 302, 336, 506(ii) IPC altered into Sections 120(b), 147, 148, 302, 336, 506(ii) IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 22.10.2020, while the defacto complainant and his brothers were eating fast food, the petitioner and other accused persons unlawfully assembled with deadly weapons and attacked them, due to which,, the brother of the defacto complainant was died. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner was arrested on 24.10.2020 and still he is in custody. Hence, he would pray for bail to the petitioner.



4. The learned Government Advocate(Crl.Side) would submit that now the investigation has been completed and charge sheet also filed in PRC.No.1 of 2021 before the learned Judicial Magistrate No.III, Dindigul.

5.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:

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) each with two sureties for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Dindigul and on further condition that:

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 committal Court till the completion of the committal proceedings.

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].

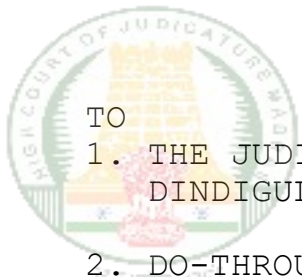
vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
26/03/2021

/ 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



TO

1. THE JUDICIAL MAGISTRATE NO.III,
DINDIGUL.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE SUPERINTENDENT,CENTRAL PRISON,
MADURAI.
4. THE INSPECTOR OF POLICE,
DINDIGUL TOWN SOUTH POLICE STATION,
DINDIGUL.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.J.WILLIAM CHRISTOPHER, Advocate (SR-2585[I] dated
26/03/2021)

ORDER

IN

CRL OP(MD) No.4080 of 2021

Date :26/03/2021

GNS

MS/PN/SAR-4/26.03.2021/3P.7C