



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

Date : 22/03/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4325 of 2021

Pechimuthu

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Ariyamangalam Police Station,
Trichy District.
Crime No.54 of 2021

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran,
Advocate.

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

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

PRAYER :-

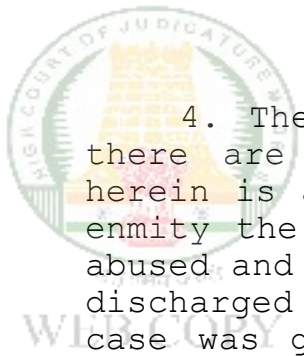
For Bail in Crime No.54 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 17.01.2021 for the offences punishable under Sections 294(b), 452, 352, 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 previous motive between the defacto complainant and the accused persons they have trespassed into the house of the defacto complainant abused him and also assaulted the defacto complainant with knife, due to which he sustained injuries on this right hand. 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 and now the injured was also discharged from the hospital. He would also submit that A3 in this case was granted bail by this Court on 05.03.2021 in Crl.O.P(MD) No.3425 of 2021, hence he seeks bail.



4. The learned Additional Public Prosecutor would submit that there are totally four accused in this case and the petitioner herein is arrayed as A1. He would also submit that due to previous enmity the petitioner herein along with other accused said to have abused and assaulted the defacto complainant and now the injured got discharged from the hospital. He would also submit that A3 in this case was granted bail by this Court on 05.03.2021 in CrI.O.P(MD) No.3425 of 2021. He would further submit that 18 previous case is pending against the petitioner.

5. 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 the injured was discharged from the hospital and also taking note of the fact that out of 18 cases most of the cases are under Section 109 of Cr.P.C and in there cases he got acquitted and the other cases are pending trial, hence 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 learned Judicial Magistrate No.VI, 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/-
22/03/2021

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

ORDER
IN
CRL OP(MD) No.4325 of 2021
Date :22/03/2021

AAV
TK/PN/SAR.3/22.03.2021/3P/6C