



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

Date : 29/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4778 of 2021

K.Palani Murugan

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Erwadi Dharga Police Station,
Ramanathapuram District.
Crime No.50 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.Ramanathan,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.50 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 03.03.2021 for the offences punishable under Sections 294(b), 326, 498(A), 307 and 506(ii) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 02.03.2021 at about 12.00 am., when the defacto complainant was sleeping in her home, the petitioner herein demanded dowry and attacked her with iron rod. Hence the complaint.

3.The learned counsel for the petitioner would submit that due to family dispute a false case has been foisted against the petitioner and now the injured was also discharged from the hospital.



4. The learned Additional Public Prosecutor would submit that it is a dispute between the husband and wife and now the injured was also discharged from the hospital.

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, 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.II, Ramanathapuram.

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/-
29/03/2021

/ 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 No.II,
RAMANATHAPURAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
ERWADI DHARGA POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE OFFICER INCHARGE
DISTRICT PRISON, RAMANATHAPURAM.
5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.4778 of 2021
Date : 29/03/2021

AAV
TK/VR/SAR.1/29.03.2021/3P/6C