



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/04/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.5131 of 2021

1.Medical Saravanan @ Saravanan

2.Pavusu Senthil @ Senthil @ Senthilkumar

... Petitioners/Accused A2 & A3

Vs

The State rep.by
The Inspector of Police,
Thirukattupalli Police Station,
Tanjore District.
Crime No.02 of 2021.

... Respondent/Complainant

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

For Respondent : Mr.K.Dinesh Babu,
Additional Public Prosecutor

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

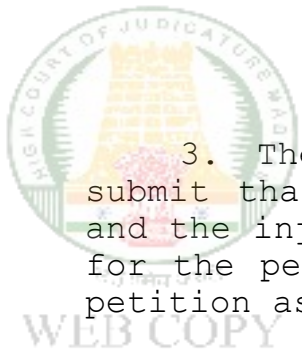
PRAYER :-

For Bail in Crime No. 2 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, who were arrested on 02.01.2021 for the offences under Sections 147, 148, 294(b), 324 and 307 of IPC in Cr.No.02 of 2021 on the file of the respondent police, seek bail.

2. The case of the prosecution is that due to previous enmity the petitioners along with other said to have abused the defacto complainant and also assaulted him



3. The learned counsel appearing for the petitioners would submit that a false case has been foisted against the petitioners and the injured was discharged from the hospital. The learned counsel for the petitioner further submitted that he is not pressing this petition as regards the second petitioner

4. The learned Additional Public Prosecutor would submit that the injured was discharged from the hospital. He further submitted that the second petitioner is a history sheeter and that there are 3 cases pending against him including murder cases. He further submitted that both the petitioners have executed bond under Section 107 of Cr.P.C and now the bond executed by the petitioners have been cancelled by the Sub Divisional Magistrate on 19.01.2021. Hence he strongly objected to the grant bail to the second petitioner.

5. As regards the second petitioner, this petition stands dismissed as not pressed.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the injured was discharged from the hospital and also the fact that the investigation is almost completed this Court is inclined to grant bail to the first petitioner alone.

7. Accordingly, the first 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, Thiruvaiyaru and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the first petitioner shall appear before the respondent police daily at 10.30 a.m., until further orders.

[c] the first petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the first petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the first petitioner in accordance with law as if the conditions have been imposed and the first 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)**



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
08/04/2021

/ TRUE COPY /

WEB 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, THIRUVAIYARU.
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3.THE INSPECTOR OF POLICE,
THIRUKATTUPALLI POLICE STATION,
TANJORE DISTRICT.
 - 4.THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
 - 5.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.J.WILLIAM CHRISTOPHER Advocate SR.No.2971

ORDER
IN
CRL OP(MD) No.5131 of 2021
Date :08/04/2021

AAV
TK/JC/SAR.2/08.04.2021/3P/7C