



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/06/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7688 of 2021

Sakthivel ... Petitioner/Accused No.1

Vs

The State rep by
The Inspector of Police,
Palayanoor Police Station,
Sivagangai District.
Crime No. 31 of 2021.

... Respondent/Complainant

For Petitioner : M/s.Udhayakumar. R,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabakar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.31 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 08.04.2021 for the offences punishable under Sections 294(b), 323, 307, 506(ii) of IPC @ 294(b), 323, 506(ii) and 302 of IPC in Crime No.31 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to election motive between the defacto complainant family and the deceased family on 06.04.2021 the petitioner and his men picked up quarrel with the defacto complainant and her uncle, hit him and also caused damage to the backside of the Indica Vista Car bearing Reg. No. TN 59 A 1906. Thereafter on 07.04.2021 at about 06.30 p.m., when the defacto complainant and her uncle were talking in front of their house the petitioner and his men came there and picked up quarrel with the defacto complainant and also attacked the brother of the defacto complainant with spade and the petitioner herein attacked the deceased with stones, due to which he sustained injuries and died. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent and due to political rivalry he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 29.03.2021 and hence, he seeks bail to the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police opposed this petition on the ground that the petitioner is having one previous case registered under Section 506(ii) of IPC. He would further submit that investigation in this case is not yet completed.

5.Taking note of the fact and circumstances of the case and also the fact that the substantial portion of the investigation might have been completed by this time and the fact that the petitioner is in judicial custody from 08.04.2021, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Jail Authority. The petitioner after his release shall surrender before the concerned Judicial Magistrate voluntarily on any working day within a period of one month from the date of resumption of regular work in the Subordinate Courts and execute 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 District Munsif cum Judicial Magistrate, Thiruppuvanam, Sivagangai District. On such execution of bond before the concerned Magistrate, the own bond executed before the Jail Authority shall stand cancelled automatically.

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 daily at 10.30 am., until further orders.

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.

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Sd/-
14/06/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUPPUVANAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,
PALAYANOOR POLICE STATION,
SIVAGANGAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.7688 of 2021
Date : 14/06/2021

VB VR SAR I(14/06/2021) 3P / 6c