



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/05/2021

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PRESENT

The Hon'ble Mr.Justice G.ILANGOVAN

CRL OP(MD) . No.6880 of 2021

Maruthu @ Maruthupandi

... Petitioner/Accused No.11

Vs

The State rep.by
The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.
Crime No.118 of 2021.

... Respondent/Complainant

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

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

PRAYER :- For Bail in Crime No.118 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner is arrayed as accused No.11. He was arrested and remanded to Judicial Custody on 28.04.2021 for the offences punishable under sections 147, 148, 294(b), 324, 307, 506(ii), 379 r/w Sections 34, 120(B) of I.P.C., in Crime No.118 of 2021 on the file of the respondent police. He seeks bail.

3. The case of the prosecution is that due to previous enmity, the petitioners and other accused attacked the defacto complainant with weapons and abused filthy language and also threatened dire consequences. Hence, the complaint.



4. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case. He further submitted that the first accused was already arrested and released on bail.

5. The learned Additional Public Prosecutor appearing on behalf of the respondent police submits that injured has been discharged from the hospital.

6. Except the overt act attributed against the petitioner is that the petitioner attempted to assault the victim, there is no allegation levelled against the petitioner.

7. Considering the period of incarceration of the petitioner and considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail on the following conditions:

i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the Judicial Magistrate, Pattukottai, Thanjavur District.

ii) 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.

iii) The petitioner shall appear before the respondent police once in a week i.e on every Monday at 10.30 a.m until further orders.

iv) The petitioner shall not tamper with evidence or witness.

v) the petitioner shall not abscond either during investigation or trial.

vi) 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]**.

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

sd/-

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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.

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- TO
1. THE JUDICIAL MAGISTRATE,
PATTUKOTTAI, THANJAVUR DISTRICT.
 2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 3. THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.
 4. THE INSPECTOR OF POLICE,
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6880 of 2021
Date : 20/05/2021

rmi/pkn
AE/VR/SAR-IV/21.05.2021/3P/6C