



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/05/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.6815 of 2021

Dhanapal

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Sawyerpuram Police Station,
in Crime No.84/2021,
Tuticorin District.

... Respondent/Complainant

For Petitioner : Mr.P.Praveenkumar,
Advocate.

For Respondent : Mr.M.Muthu Manickam,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.84 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner is in custody from 14.04.2021 for the offences under Sections 294(b), 307 and 506(ii) IPC in Crime No.84 of 2021 on the file of the respondent police. He seeks bail.

2. The case of the prosecution is that the petitioner and the other accused threw the garbage in the defacto complainant's land. When the same was questioned, the petitioner and other accused assaulted the defacto complainant with arival and caused injury in the left leg of the defacto complainant.

3.The learned counsel for the petitioner would submit that due to the land dispute the occurrence has taken place and this is a case of case and counter and injured has been discharged from the hospital.



4. The learned Government Advocate appearing on behalf of the respondent police submits that even though the injured has been discharged from the hospital, the petitioner has involved in 5 previous cases.

5. The learned counsel for the petitioner would submit that the previous five cases have been registered due to the family dispute.

6. 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.

7. 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 No.I, Tuticorin.

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/-
19/05/2021

/ 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.I,
TUTICORIN.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3.THE OFFICER INCHARGE,
DISTRICT JAIL, PERAVURANI,
TUTICORIN DISTRICT.
- 4.THE INSPECTOR OF POLICE,
SAWYERPURAM POLICE STATION,
TUTICORIN DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6815 of 2021
Date :19/05/2021

MSA/CM
AE/AKM/SAR-1/20.05.2021/3P/6C