



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/06/2021

PRESENT

The Hon'ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.6910 of 2021

Prakash

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Pandhanallur Police Station,
Thanjavur District
Crime No.96 of 2021.

... Respondent/Complainant

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

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

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

PRAYER :-

For Bail in Crime No.96 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 17.02.2021 for the offences punishable under Sections 342 and 302 of IPC in crime No.96 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 17.02.2021 there was a wordy quarrel due to which the petitioner herein attacked the deceased with wooden log on his head and caused his death. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that investigation in this case is completed and the final report has been filed before the concerned Court. He would also submit that the petitioner is in judicial custody from 17.02.2021, hence he may be granted bail.



4.The learned Government Advocate(Crl.Side) would submit that investigation in this case is completed and the final report has been filed before the learned Judicial Magistrate, Thiruvidaimaruthur and the same has been taken cognizance in PRC No.17 of 2021.

5.Considering the facts and circumstances of the case and also the fact that the final report has been filed before the learned Judicial Magistrate, Thiruvidaimaruthur and the same has been taken cognizance in PRC No.17 of 2021 and also the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.1,00,000/- (Rupees One lakh 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.50,000/- (Rupees Fifty Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvidaimaruthur.

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 trial Court on summons.

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/-

04/06/2021

/ 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,
THIRUVIDAIMARUTHUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
PANDAHANALLUR POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
5. THE OFFICER INCHARGE,
DISTRICT JAIL, PUDUKKOTTAI.

ORDER

IN

CRL OP (MD) No.6910 of 2021

Date :04/06/2021

AAV

TE/VR/SAR-I : 04/06/2021 : 3P/6C