



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/05/2021

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6974 of 2021

Venkatesh @ Thirupathi Venkatesh ... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
K.K. Nagar Police Station,
Trichy.
Crime No.290 of 2021.

... Respondent/Complainant

For Petitioner : Mr.T.Senthil Kumar,
Advocate.

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

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

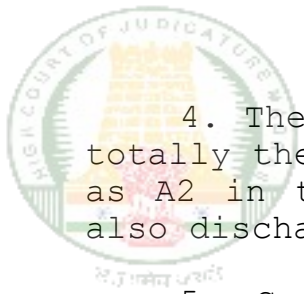
PRAYER :- For Bail in the Crime No.290 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.2, who was arrested and remanded to judicial custody on 07.05.2021 for the offence punishable under Sections 147, 148, 447, 448, 294(b), 323, 342, 326, 307 and 506(ii) of I.P.C. on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to family dispute, there was a wordy quarrel, in which, the petitioner herein said to have threatened the defacto complainant with dire consequences and also attacked him and thereby caused injuries. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and a false case has been foisted against him. He would further submit that the petitioner and the defacto complainant are close relatives. He would also submit that the petitioner is in jail from 07.05.2021 onwards, hence he may be granted bail.



4. The learned Government Advocate(Crl.Side) would submit that totally there are seven accused and the petitioner herein is arrayed as A2 in this case. He would further submit that the injured was also discharged from the hospital.

5. Considering the facts and circumstances of the case and considering the facts that there was family dispute between the parties that the injured was discharged from the hospital, that the petitioner is in judicial custody for the past 15 days and that except the offences under Sections 307 and 506 (ii) I.P.C., all other offences are bailable and also considering the urgent need and necessity to ensure social distancing and thereby, to reduce the scope of infection, it is essential that the prisons are de-congested as much as possible. Keeping this in view, this Court is inclined to release the petitioner on bail, subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail immediately on executing his own bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) before the concerned jail authority. The petitioner, after his release, shall surrender before the concerned 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 Judicial Magistrate No.II, Trichy.

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 weekly twice., ie., on every Monday and Friday at 10.30 a.m for a period of thirty days.

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].



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vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
26/05/2021

/ 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.

TO

1. THE JUDICIAL MAGISTRATE NO.II, TRICHY.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL JAIL, TRICHY.
4. THE INSPECTOR OF POLICE,
K.K. NAGAR POLICE STATION,
TRICHY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6974 of 2021
Date :26/05/2021

LS
MS/MNR/SAR-3/26.05.2021/3P.6C