



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 03/06/2021

PRESENT

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

CRL OP(MD) No.7195 of 2021

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... Petitioner/Accused 1

Vs

The State rep. by
The Inspector of Police,
E.Pudur Police Station,
Trichy city, Trichy District.
Crime No.239/2021.

... Respondent/Complainant

For Petitioner : Mr.R.Alagia Nambi, Advocate.

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

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

PRAYER :- For Bail in Crime No. 239 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 09.05.2021 for the offences punishable under Sections 294(b), 324 and 307 of IPC in Crime No.239 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to money dispute the petitioner herein along with other accused, abused the defacto complainant and assaulted him with weapons. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner being a friend of A2, has been falsely implicated in this case. He would further submit that the injured has been discharged from the hospital. He would also submit that the petitioner is in judicial custody from 09.05.2021, hence, he may be granted bail.

4.The learned Government Advocate(Criminal Side) would submit that the injured was discharged from the hospital.

5.Considering the facts and circumstances of the case and also the fact that the injured has been discharged from the hospital 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 their 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 No.II, Tiruchirapalli

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) petitioner is directed to deposit a sum of Rs.1000/- **(Rupees One Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172)**, within a period of two weeks without prejudice to his rights and contentions before the trial Court;

iii) the petitioner shall report before the respondent police as and when required for interrogation.

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

v) the petitioner shall not abscond during trial.

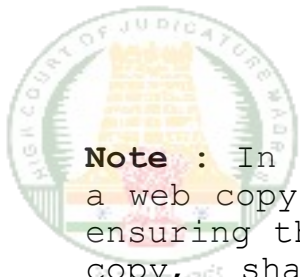
vi) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
03/06/2021

/ 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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE NO.II,
TIRUCHIRAPPALLI.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.
3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
4. THE INSPECTOR OF POLICE,
E.PUDUR POLICE STATION,
TRICHY CITY, TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI-9.

ORDER
IN
CRL OP(MD) No.7195 of 2021
Date :03/06/2021

AAV
SRS/JM/SAR-IV/03.06.2021/3P/7C