



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.9273 of 2021

Karuppasamy

... Petitioner/Accused No.5

Vs

State rep by
The Inspector of Police,
Rameswaram Jetty Police Station,
Crime No. 149/2021
Ramanathapuram District.

... Respondent/Complainant

For Petitioner : Mr.Susi Kumar.C,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Cr.No.149 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested on 27.06.2021 for the offences punishable under Sections 147, 148, 294(b), 324 and 307 of IPC in Crime No.149 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a professional rivalry between the defacto complainant and the petitioner herein. As a sequel to the same, on 27.06.2021 at about 09.30 hrs when the defacto complainant was engaged in painting in the boat yard the accused off loaded stone in the defacto complainant's place. The defacto complainant asked Murugan as to why he was off loading stones in his place. At that time Murugan scolded him filthy language ant attacked him with aruval. When the relatives of the defacto complainant tried to intervene the accused persons started attacking them with reaper. Therefore the case came to be registered.



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 the petitioner is in judicial custody from 27.06.2021, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the investigation is not yet completed. However, he would fairly concede that the injured has been discharged from the hospital.

5. Considering the fact that the incident said to have happened due to professional rivalry and also the fact that the injured has been discharged from the hospital and also the fact that the petitioner is in judicial custody from 27.06.2021, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail on his executing 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 District Munsif cum Judicial Magistrate, Rameswaram and on further condition that:

[a] 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.

[b] the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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]**.

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

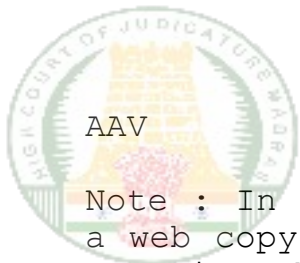
Sd/-

13/07/2021

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



AAV

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, RAMESWARAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE OFFICER INCHARGE, DISTRICT PRISON, RAMANATHAPURAM.
4. THE INSPECTOR OF POLICE,
RAMESWARAM JETTY POLICE STATION,
RAMANATHAPURAM DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.9273 of 2021

Date : 13/07/2021

VB/MNR/SAR.IV/13.07.2021/3P/6C