



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2021

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PRESENT

The Hon`ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD) . No.9788 of 2021

Rishad Raj

... Petitioner/Accused

Vs

The State rep.by
The Sub Inspector of Police,
Devathanapatti Police Station,
Theni District.
Crime No. 480/2021..

... Respondent/Complainant

For Petitioner : Mr.P.Balasubramanian, Advocate.

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

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

PRAYER :-

For Bail in Crime No. 480/2021 on the file of the respondent Police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

2.The petitioner is the sole accused in this case. He was arrested and remanded to Judicial Custody on 08.07.2021 for the offences punishable under sections 294(b) and 307 of IPC in Crime No.480 of 2021 on the file of the respondent police. He seeks bail.

3.The case of the prosecution is that the petitioner is said to have assaulted the defacto complainant with Aruval using filthy



language with dire consequences for the reason that the defacto complainant/the Doctor had not given treatment properly, but there was no injury on the defacto complainant. Hence, the complaint.

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4.The learned counsel for the petitioner submits that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.

5.The learned Additional Public Prosecutor appearing for the respondent submitted that the petitioner is having 8 previous cases.

6.Taking note of the facts and circumstances of this case that the petitioner has 8 previous cases, I am inclined to enlarge the petitioner on bail with certain conditions.

7.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 Judicial Magistrate Court, Periyakulam, Theni District and on further conditions 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 Fort Police Station, Trichy daily at 10.00 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.

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sd/-
23/07/2021

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/ /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,
PERIYAKULAM.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3.THE OFFICER INCHARGE,
DISTRICT PRISON, THENI.
- 4.THE INSPECTOR OF POLICE
THE FORT POLICE STATION,
TRICHY DISTRICT.
- 5.THE SUB INSPECTOR OF POLICE
DEVATHANAPATTI POLICE STATION,
THENI DISTRICT.
- 6.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI DISTRICT.

ORDER
IN
CRL OP(MD) No.9788 of 2021
Date :23/07/2021