



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/07/2021

PRESENT

The Hon'ble Mr.Justice SATHI KUMAR SUKUMARA KURUP

CRL OP(MD) . No.9867 of 2021

Kumaravel

... Petitioner/Accused No.1

Vs

The State Rep. by,
The Inspector of Police,
Tallakulam Police Station,
Madurai District.
(Crime No.771 of 2021).

... Respondent/Complainant

For Petitioner : Ms.Banumathy.A,
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. 771 of 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 1st accused in this case. He was arrested and remanded to Judicial Custody on 06.07.2021 for the offences punishable under sections 147, 148, 448, 294(b) and 307 of IPC in Crime No.771 of 2021 on the file of the respondent police. He seeks bail.

3.The case of the prosecution is that on 03.07.2021, the petitioner along with other accused had trespassed into the house of the defacto complainant and had abused them with filthy language and further they had threatened him with dire consequences. Hence, the complaint.



4.The learned counsel for the petitioner submits that the petitioner and the defacto complainant are the advocates and it is a case and case in counter.

5.The learned Additional Public Prosecutor appearing for the respondent submitted that the injured had been discharged from the hospital.

6.Taking note of the facts and circumstances of this case that the injured had been discharged from the hospital, 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 learned Judicial Magistrate No.11, Madurai 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 respondent police 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.

sd/-
23/07/2021

/ 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,
MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE OFFICER-INCHARGE,
SUB JAIL, PALANI.
4. THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION,
MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9867 of 2021
Date :23/07/2021

mm

USK/VR/SAR-IV : 23/07/2021 : 3P/6C