



WEB COPY

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

Date : 06/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10420 of 2021

P.Navaneetha Krishnan

... Petitioner/1st Accused

Vs

The State rep.by
The Inspector of Police,
Vadipatti Police Station,
Madurai District,
Crime No. 306 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.K.RAMAKRISHNAN,
Advocate.

For Respondent : Mr.T.SENTHILKUMAR,
Government Advocate (Crl.Side)

For Intervenor : Mr.SUJAI KRISHNA,
Advocate.

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

PRAYER :-

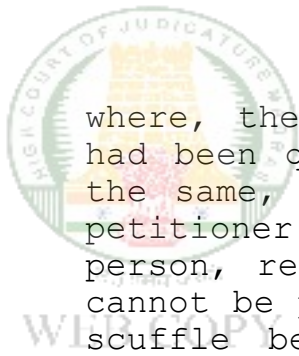
For Bail in Cr.No.306 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

This is the second bail application. The petitioner, who was arrested on 17.06.2021 for the offences punishable under Sections 294(b), 323, 353, 307 of IPC and Section 4 of TNPHW Act in Crime No.306 of 2021 on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that the defacto complainant is working as Grade-I Constable in Vadipatti Police Station. On 17.06.2021, on receiving information with regard to a dispute between two parties over phone, he along with another Grade-I Constable, namely, Manimaran, went to the place of occurrence,

<https://hcservices.ecourts.gov.in/hcservices/>



where, they found that the petitioner along with his mother Pappa had been quarrelling with one Lakshmi and abusing her. On seeing the same, they tried to pacify them and thereafter, they took the petitioner to the Police Station. The petitioner, being an Army person, refused to co-operate with the defacto complainant that he cannot be prosecuted by the State Agency, due to which, there was a scuffle between the petitioner and the defacto complainant and Manimaran. In furtherance to this, the petitioner is said to have bitten the nose of Manimaran.

3. According to the learned counsel for the petitioner, the defacto complainant also bit the left thumb of the petitioner and the petitioner has also sustained serious injury.

4. The learned counsel for the petitioner submits that the petitioner was arrested on 17.06.2021 and he is languishing in jail for the past 53 days. The petitioner is an Army person working in the Indian Army and he has also received warning from his Commander to report the duty immediately. If the petitioner is not joining the duty immediately, he may lose his job and he may also face further consequences. Hence, he seeks for grant of bail.

5. Mr.Sujai Krishnan, learned counsel for the intervenor submits that a person on duty was seriously injured by the petitioner. Therefore, he opposed for grant of bail.

6. The learned Government Advocate, on instructions, submits that the injured has been discharged from the hospital and he is now taking treatment as out-patient.

7. Considering the nature of offence and the fact that the petitioner is working in Indian Army and his Commander has issued warning to the petitioner to report the duty immediately and the period of custody for the past 53 days, this Court is inclined to grant bail to the petitioner.

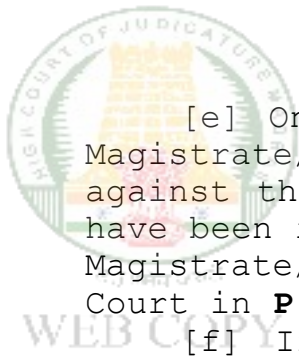
8. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate, Vadipatti and on further conditions that:

[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 as and when required for interrogation.

[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/-

06/08/2021

/ 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,
VADIPATTI.
- 2.DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 4.THE INSPECTOR OF POLICE
VADIPATTI POLICE STATION,
MADURAI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI DISTRICT.

+2. CC to Mr.P.KARTHICK Advocate SR.No.5141

ORDER IN

CRL OP(MD) No.10420 of 2021
Date :06/08/2021

SA/VR/SAR.2/06.08.2021/3P/8C

<https://hcservices.ecourts.gov.in/hcservices/>