



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) . No.10058 of 2021

Dhayanithi,

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Uppliyapuram Police Station,
Trichy District,
Crime No.336/2021..

... Respondent/Complainant

For Petitioner : M/s.Haroon Rasheed D.S.,
Advocate.

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

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

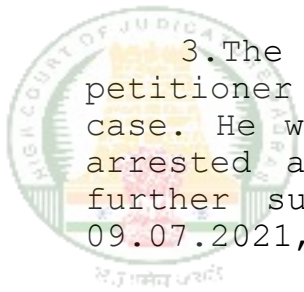
PRAYER :-

For Bail in Crime No. 336/2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 09.07.2021 for the offences punishable under Sections 147,148,294(b),323,324,506(ii) and 307 of IPC in Crime No.336 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 06.07.2021 at about 4.00 pm., the defacto complainant and his son Sevakraj were coming near Kottapalayam PeriyasamyOil Parotta shop in their Tata ace vehicle, 4 or five persons were standing and talking on the road among themselves. In spite of giving horn they did not give way to the vehicle. The accused Dhayanithi who was known to the defacto complainant scolded him in filthy language. Then he pulled the defacto complainant from the vehicle, at that time the accused Velavan hit him with wooden log. One unidentified person hit him with stone. Periyasamy hit with hands. Dhayanithi took iron rod, hit him and also pushed his son, therefore this 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 co - accused in this case were arrested and released on bail by the Sessions Court.. He would further submit that the petitioner is in judicial custody from 09.07.2021, 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. He would further submit that the injured has been discharged from the hospital.

5. Considering the nature of incident and the fact that the injured has been discharged from the hospital and the fact that co-accused in this case were released on bail and the fact that the petitioner is in judicial custody from 09.07.2021, 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 Judicial Magistrate, Thuraiyur 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/-
29/07/2021

/ TRUE COPY /

/ /2021

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 JUDICIAL MAGISTRATE,
THURAIYUR
- 2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY
- 4 THE INSPECTOR OF POLICE
UPPLIYAPURAM POLICE STATION,
TRICHY DISTRICT,
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.10058 of 2021

Date :29/07/2021

NA/VR/SAR.IV/27/07/2021/3P/6C