



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 03/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10520 of 2021

M.Balamurugan

... Petitioner/Accused

Vs

The State rep by  
The Inspector of Police,  
Tallakulam Police Sation  
(Law and Order),  
Madurai District.  
(Crime No. 771/2021).

... Respondent/Complainant

For Petitioner : Mr.Muthu Ganesa Pandian K,  
Advocate.

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

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 :-

The petitioner/accused, who was arrested 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, seeks bail.

2. The case of the prosecution is that the defacto complainant and A1 are neighbours and regarding stagnation of rain water, a dispute arose between the defacto complainant and the family members of A1, due to which, the petitioner along with other accused is said to have assaulted the defacto complainant and caused injuries.

3. The learned counsel for the petitioner would submit that the petitioner has been falsely implicated in the present case and he is in judicial custody from 06.07.2021. Hence, he seeks bail.



4. The learned Government Advocate(Crl.Side) would submit that the injured has been discharged from the hospital. He would fairly submit that the co-accused were released on bail.

5. Taking into consideration the facts and circumstances of the case and also taking into consideration the fact that the injured has been discharged from the Hospital and the co-accused were released on bail and also taking into consideration the period of incarceration, 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 No.II, Madurai 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., for a period of two weeks and thereafter 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/-  
03/08/2021

/ TRUE COPY /

/ /2021

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

OGY

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 SUPERINTENDENT, CENTRAL PRISON, MADURAI.
4. THE INSPECTOR OF POLICE,  
TALLAKULAM POLICE STATION  
(LAW AND ORDER), MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP (MD) No.10520 of 2021  
Date : 03/08/2021

VB/JM/SAR.IV/03.08.2021/3P/6C