



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/08/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.10376 of 2021

Sarithirakumar

... Petitioner/Accused No.1

Vs

The State Represented by
The Inspector of Police,
Naducauvery Police Station,
Thanjavur District.
Cr.No. 523 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.Balakarthick,
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.523 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 16.07.2021 for the offences under Sections 294(b), 324 & 307 IPC in Cr.No.523 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant is an employee in the Sriram Transport Finance Company. One Rajeshkannan has purchased a bike under loan from Sriram Finance Company and he has not paid the monthly due for more than six months. On 15.07.2021, when the defacto complainant along with his co-employees tried to seize the bike, which was standing in front of the house of the accused, the petitioner along with his father and others attacked them with aruval and caused injuries.



3. The learned counsel appearing for the petitioners submits that a false case has been foisted against the petitioner and the injured was discharged from the hospital.

4. The learned Government Advocate (Crl. Side) submits that the injured was discharged from the Hospital.

5. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the injured was discharged from the hospital, this Court is inclined to grant bail to the petitioners.

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) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District 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 appear before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

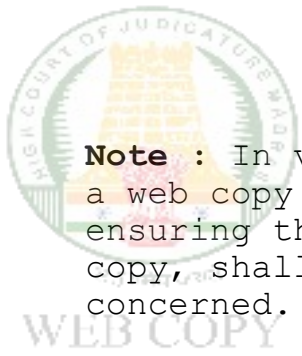
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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 229-A IPC.

sd/-
02/08/2021

/ 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,
THIRUVAIYARU, THANJAVUR DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM.
3. THE OFFICER INCHARGE,
SUB JAIL, PUDUKOTTAI.
4. THE INSPECTOR OF POLICE,
NADUCAUVERY POLICE STATION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10376 of 2021
Date : 02/08/2021

SS/VR/SAR-II/02.08.2021 : 3P/6C