



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

Date : 17/08/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11111 of 2021

R.Madhavan

... Petitioner/Accused A-3

Vs

The State rep.by
The Inspector of Police,
Thirukkattupalli Police Station,
Thanjavur District.
Crime No.519 of 2021.

... Respondent/Complainant

For Petitioner : Mr.L.JEENFELIX,
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.519 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested on 22.07.2021, for the offences punishable under Sections 294(b), 324, 506(ii) and 307 of IPC, in Crime No.519 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a dispute between the residents of two streets in respect of damaging drinking water tap, in which, there was a quarrel between the defacto complainant and the petitioner and both of them got 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 22.07.2021. Hence, he seeks bail.



4. The learned Government Advocate(Crl.Side) would submit that it is a case of case and counter. He would further submit that the injured has been discharged from the hospital on 16.08.2021.

5. Considering the facts and circumstances of the case, the period of incarceration and also the fact that it is a case of case and counter and the injured has been discharged from the Hospital, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the Criminal Original Petition is ordered. The petitioner is directed 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, Thiruvaiyaaru, Thanjavur District 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 10.30 a.m. 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/-

17/08/2021

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

ORDER

IN

CRL OP(MD) No.11111 of 2021

Date : 17/08/2021

SA/PN/SAR.1/17.08.2021/3P/6C