



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

Date : 23/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11431 of 2021

R.Thangamuthu

... Petitioner/Accused No.2

Vs

State Rep.by
The Inspector of Police,
Palakkarai Police Station,
Tiruchirappalli City.
(Crime No.329 of 2021).

... Respondent/Complainant

For Petitioner : Mr.B.Anandan,
Advocate.

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

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

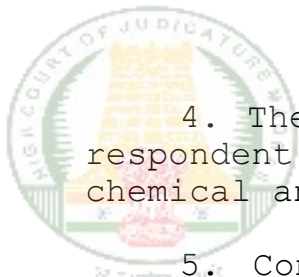
PRAYER :- For Bail in Crime No.329 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested on 28.06.2021, for the offence punishable under Sections 294(b), 342, 506(i) and 307 of IPC, altered into Sections 294(b), 342, 506(i) and 302 of IPC, in Crime No.329 of 2021 on the file of the respondent police, seeks bail.

2. There was an incident five days prior to the occurrence, wherein, the deceased attacked the first accused's brother and on that motive, the first accused along with the petitioner assaulted the deceased on 27.06.2021 at about 6.00 p.m. The petitioner/A2 is said to have caught hold of the deceased and A1 is said to have stabbed the deceased with sword.

3.The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Since the petitioner is languishing in jail from 28.06.2021, he seeks for grant of bail.



4. The learned Government Advocate(Crl.Side) appearing for the respondent submits that the witnesses have been examined and chemical analysis report is awaited.

5. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner, the period of incarceration and also the stage of investigation, 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.V, Tiruchirappalli 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/-
23/08/2021

/ 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 NO.V, TIRUCHIRAPPALLI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3. THE SUPERINTENDENT, CENTRAL PRISON,
TIRUCHIRAPPALLI.

4. THE INSPECTOR OF POLICE,
PALAKKARAI POLICE STATION,
TIRUCHIRAPPALLI CITY.

5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.B.ANANDAN, Advocate (SR-5598[I] dated 23/08/2021)

ORDER

IN

CRL OP(MD) No.11431 of 2021

Date :23/08/2021

OGY

MS/VR/SAR-4/23.08.2021/3P.7C