



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

Date : 18/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.11738 of 2021

S.Thangamuthu

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
E.Pudur Police Station,
Trichy City,
Trichy District.
Crime No. 316 of 2021.

... Respondent/Complainant

For Petitioner : Mr.KAVIN, Advocate
for M/S.R.ALAGIA NAMBI, 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.316 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 13.07.2021, for the offences punishable under Sections 341, 294(b), 324 and 307 of IPC, in Crime No.316 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant refused to marry the sister of one Anand, who is the relative of the petitioner. On 12.07.2021, the defacto complainant along with his friend went to meet his friends in a Two-wheeler and when they were going near Nellai Malligai Shop, the accused intercepted them and to wreck vengeance for refusing to marry the sister of Anand, he attacked the defacto complainant with a sword on his head. Though



the defacto complainant attempted to prevent the attack, he sustained injuries on his palms. Hence, the case.

3.The learned counsel for the petitioner submits that the petitioner is an innocent and he has been falsely implicated in this case. Since the petitioner is languishing in jail from 13.07.2021, he seeks for grant of bail.

4. The learned Government Advocate(Crl.Side) appearing for the respondent submits that the injured has been discharged from the hospital on 17.07.2021.

5. Considering the facts and circumstances of the case, the period of incarceration and also the fact that the injured has been discharged from the hospital, 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, Thiruchirapalli 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 twice, i.e. at 10.30 a.m. and 5.30 p.m. until further orders.

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

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

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

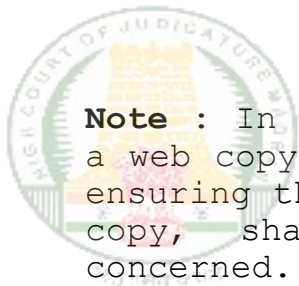
sd/-

18/08/2021

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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.

WEB COPY

TO

- 1.THE JUDICIAL MAGISTRATE NO.II
TIRUCHIRAPALLI
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPALLI DISTRICT.
- 3.THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPALLI.
- 4.THE INSPECTOR OF POLICE
E.PUDUR POLICE STATION,
TRICHY CITY,
TRICHY DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.ALAGIA NAMBI R Advocate SR.No.5483

ORDER

IN

CRL OP(MD) No.11738 of 2021
Date :18/08/2021

SA/PN/SAR.2/18.08.2021/3P/7C