



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/08/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.12034 of 2021

Kulasekaran

... Petitioner/Accused

Vs

The State rep.by,
The Inspector of Police,
Thiruvidaimaruthur Police Station,
Thanjavur District.
Crime No.919 of 2021.

... Respondent/Complainant

For Petitioner : Mr.K.S.Durai Pandian,
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.919 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested on 26.07.2021, for the offence punishable under Sections 294(b) and 307 I.P.C, in Crime No.919 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that when the petitioner spit in front of the defacto complainant, it was objected by the defacto complainant and there was a wordy quarrel between the parties. During the scuffle, this petitioner assaulted the defacto complainant's friend with knife. Hence, the case.

3.The learned counsel for the petitioner submits the petitioner is an innocent, he has not committed any offence as alleged by the prosecution and he is in judicial custody from 26.07.2021. Hence, he seeks for grant of bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police, on instructions, would submit that due to the occurrence, the injured was admitted in the hospital on 26.07.2021 and he was discharged on 02.08.2021. He would further submit that

<https://hdsresportal.gov.in/services>



5. Considering the facts and circumstances of the case, the fact that the injured has been discharged from the hospital, the petitioner has not involved in any other offences and also the period of incarceration, 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 District Munsif Cum Judicial Magistrate, Thiruvidadaimaruthur 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/-
24/08/2021

/ 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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
THIRUVIDAIMARUTHUR POLICE STATION, THANJAVUR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, THIRUVIDAIMARUTHUR.

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

ORDER

IN

CRL OP(MD) No.12034 of 2021

Date :24/08/2021

MSA

MK/JM/SAR.III/24.08.2021/3P/6C