



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.11902 of 2021

BALAMURUGAN

... PETITIONER/SOLE ACCUSED

VS

THE STATE REP.BY

THE INSPECTOR OF POLICE,

THILLAINAGAR POLICE STATION

TRICHY CITY

(CRIME NO.414 OF 2021).

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.LENINKUMAR T,
ADVOCATE.

FOR RESPONDENT : MR.T.SENTHILKUMAR,
GOVERNMENT ADVOCATE (CRL.SIDE)

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

PRAYER :-

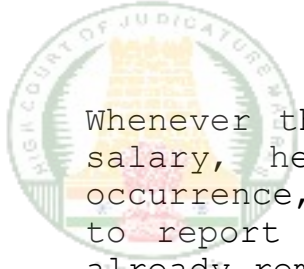
For Bail in Crime No.414/2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 29.07.2021, for the offence punishable under Sections 294(b), 506(i) and 436 I.P.C, in Crime No.414 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner is the car driver of the defacto complainant. The defacto complainant terminated the petitioner from service on 28.07.2021. Having disgruntled over the same, the petitioner abused the complainant in filthy language, threatened him with dire consequences and also caused damage to his two wheelers, worth about Rs.3,00,000/-. Hence, the case.

3. The learned counsel for the petitioner would submit that the complainant has not paid the salary to the petitioner regularly.



Whenever the petitioner demanded the complainant to pay arrears of salary, he was prolonging to pay the salary. On the date of occurrence, the petitioner went to the defacto complainant's house to report duty, but, the complainant told the petitioner that he already removed him from service. When the petitioner questioned the complainant as to how can he remove him from service without paying the arrears of salary, he evaded to reply. The petitioner informed the complainant that if he did not pay the arrears of salary, he will raise an industrial dispute before the Labour Court. Therefore, the complainant lodged the present complaint with concocted allegation. However, to show his bona fide, the petitioner is ready to deposit a sum of Rs.3,50,000/- to the credit of Crime No.414 of 2021 without prejudice to his case before the trial Court. He would further submit that the petitioner is in prison from 29.07.2021 and hence, he may be granted bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent submits that the investigation is yet to be completed.

5.Considering the nature of offence, the period of incarceration and also considering the fact that the petitioner is ready to deposit a sum of Rs.3,50,000/- to the credit of Crime No.414 of 2021 without prejudice to his case before the trial Court, 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, Trichy 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 deposit a sum of Rs.3,50,000/- (Rupees three lakhs and fifty thousand only) to the credit of Crime.No.414 of 2021 before the learned Judicial Magistrate No.II, Trichy.

[c] the petitioner shall report before the respondent police daily at 10.30 am., 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

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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/-

25/08/2021

/ 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.II,
TRICHY
2. DO THOROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT
2. THE SUPERINTENDENT,
CENTRAL PRISON,
TRICHY.
3. THE INSPECTOR OF POLICE,
THILLAINAGAR POLICE STATION
TRICHY CITY
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.11902 of 2021

Date :25/08/2021

GC/PN/SAR-II/25/08/2021/3P/5C