



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13517 of 2021

G.Kamalakaran

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Palakarai Police Station,
Trichy.
(Crime No.329 of 2021)

... Respondent/Complainant

For Petitioner : Mr.K.Sivabalan,
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/A1, who was arrested on 28.06.2021, for the offence punishable under Sections 294(b), 342, 506(i) and 307 IPC, altered into Sections 294(b), 342, 506(i) and 302 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 petitioner's brother and on that motive, the petitioner along with second accused assaulted the deceased on 27.06.2021 at about 6.00 p.m. The second accused has caught hold of the deceased and this petitioner has 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. He further submits that the second accused has been granted bail by this Court. 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. This petitioner is not having previous antecedent. He further submits that the co-accused has been granted bail by this Court in Crl.OP(MD).No.11431 of 2021 on 23.08.2021.

5. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner, the period of incarceration, the stage of investigation, the co-accused has been granted bail by this Court and also the fact that the petitioner has not involved in any other offence, 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/-
15/09/2021

/ 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 COURT NO.V,
TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE
PALAKARAI POLICE STATION, TRICHY.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to MR.K.SIVABALAN, Advocate (SR-6231[I] dated 15/09/2021)

ORDER
IN
CRL OP(MD) No.13517 of 2021
Date :15/09/2021

MSA
MK/VR/SAR.III/15.09.2021/3P/7C