



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.14643 of 2021

Essakipandi @ Karthick

... Petitioner/Accused
(Rank not known)

Vs

The State rep.by
The Inspector of Police,
Mukkudal Police Station
Tirunelveli District
Crime No.276 of 2021

... Respondent/Complainant

For Petitioner : Mr.T.LENIN KUMAR
Advocate.

For Respondent : Mr.T.SENTHI LKUMAR
Additional Public Prosecutor(crl.side)

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

PRAYER :-

For Bail in Crime No.276 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested 22.08.2021 for the offence under Sections 294(b), 324, 307 and 506(ii) I.P.C, in Crime No.276 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 21.08.2021, there was a wordy quarrel between the owner of a hotel and the first accused. Thereafter, the first accused went away and again, he came along with three accused, quarrelled with the complainant, assaulted him and caused injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. However, to show his bona fide, the petitioner is ready to pay a sum of Rs. 15,000/- to the defacto complainant/victim for medical treatment, without prejudice to his case before the trial Court. He would further submit that the petitioner is languishing in jail from 22.08.2021 and hence, he seeks for grant of bail.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the injured was discharged from the hospital and the investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the fact that the injured was discharged from the hospital, his willingness to pay some amount to the victim for medical expenses and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is allowed on condition that the petitioner shall take a Demand Draft for a sum of Rs.15,000/ (Rupees fifteen thousand only) in favour of the defacto complainant/victim towards medical expenses without prejudice to his case before the trial Court. The said demand draft shall be handed over to the victim through the respondent police. The petitioner shall furnish the sureties along with the xerox copy of the demand draft which has been handed over to the respondent police.

7.On production of such xerox copy of the demand draft, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.25,000/-(Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Cheranmahadevi and on further condition 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall appear before the respondent police daily at 10.30 a.m until further orders.

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

[d] the petitioner shall not abscond 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 petitioners 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 229-A IPC.

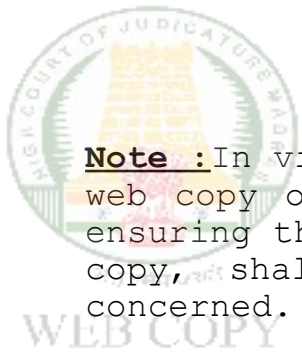
sd/-

01/10/2021

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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.

TO

1. THE JUDICIAL MAGISTRATE
CHERANMAHADEVI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
MUKKUDAL POLICE STATION
TIRUNELVELI DISTRICT
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.14643 of 2021

Date : 01/10/2021

SA/JM/SAR.3/01.10.2021/3P/6C