



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

Date : 05/10/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15008 of 2021

CHANDRASEKAR

... PETITIONER/SOLE ACCUSED

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
THURAIYUR POLICE STATION,
TRICHY DISTRICT.
(CRIME NO.535 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.R.Maheswaran, Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor (Crl.Side)

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

PRAYER :-

For Bail in Crime No.535 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 08.09.2021, for the offence punishable under Sections 294(b) and 307 of IPC, in Crime No.535 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to family dispute, the petitioner abused the defacto complainant's brother in filthy language and also attacked him with knife. Therefore, the present case came to be registered.

3. The learned counsel for the petitioner submits that when the occurrence took place in the petitioner's house, the defacto complainant's brother came to his house and abused his mother in filthy language under the influence of alcohol and since the same was questioned by the petitioner, this false complaint has been lodged. However, he is languishing in jail from 08.09.2021. Hence, he prayed for grant of bail.



4. The learned Additional Public Prosecutor (CrI.Side) appearing for the respondent submitted that the injured persons has been discharged from the hospital and he fairly submits that the petitioner is not having any previous case.

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5. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner, the period of incarceration and also the fact that the petitioner is not having any previous case, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is ordered. The petitioner is directed 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, Thuraiyur, 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.

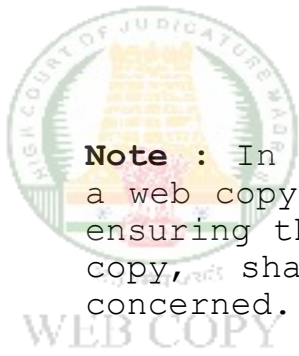
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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/-
05/10/2021

/ 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,
THURAIYUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE OFFICER-INCHARGE,
SUB JAIL, LALGUDI.
4. THE INSPECTOR OF POLICE,
THURAIYUR POLICE STATION,
TRICHY DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.15008 of 2021
Date :05/10/2021

tta
USK/SKN/SAR-I/ (05.10.2021) 3P-6C