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

Date : 06/10/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP (MD) No.15161 of 2021

RAJA @ RAJAPANDIAN

...PETITIONER/SOLE ACCUSED

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.
CRIME NO.1003 OF 2021.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.R.Maheswaran, Advocate

For Respondent : Mr.T.Senthilkumar
Additional Public Prosecutor

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

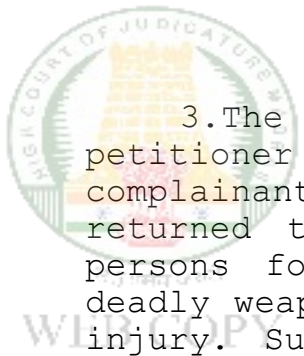
PRAYER :-

For Bail in Crime No.1003 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 07.09.2021 for the offence punishable under Sections 294(b), 324, 341, 506(ii) and 307 I.P.C, in Crime No.1003 of 2021, seeks bail.

2. The case of the prosecution is that there was a misunderstanding between the defacto complainant and his wife because of this petitioner. On 27.08.2021 at about 11.30 p.m, when the defacto complainant went near Karikadu, the petitioner way-laid the defacto complainant, assaulted him with aruval and caused injuries. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner has not involved in any offence as alleged by the defacto complainant. On 27.08.2021 at about 11.00 p.m, when the petitioner returned to his home, the defacto complainant along with other persons followed the petitioner and brutally assaulted him with deadly weapons, due to which, the petitioner sustained serious head injury. Subsequently, a case has been registered as against the defacto complainant in Crime No.1002 of 2021 for the offence under Sections 241, 294(b), 323 and 307 I.P.C. The petitioner took treatment as inpatient from 27.08.2021 to 07.09.2021 in the Government Hospital. He would further submit that the petitioner is inside the prison from 07.09.2021 and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that at the time of occurrence, the petitioner has also got serious head injury and it is a case of case in counter. He would further submit that the investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the fact that it is a case and counter case, the petitioner has also got injured and considering the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

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, Pattukkottai 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 as and when required for interrogation.

[c]the petitioner shall not abscond either during investigation or trial.

[d]the petitioner shall not tamper with the 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/-
06/10/2021

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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,
PATTUKKOTTAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE OFFICER-INCHARGE,
SUB JAIL, THANJAVUR.
4. THE INSPECTOR OF POLICE,
PATTUKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.15161 of 2021
Date :06/10/2021

msa
USK/SKN/SAR-IV/(06.10.2021) 3P-6C