



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 25/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15631 of 2021

A. Vellaiyan

... Petitioner/Accused - 4

Vs

The State rep.by
The Inspector of Police,
Pappanadu Police Station,
Orthanadu Taluk,
Thanjavur District.
Crime No.812/2021.

... Respondent/Complainant

For Petitioner : Mr.D.GNANASEKARAN,
Advocate.

For Respondent : Mr.T.SENTHIL KUMAR,
Additional Public Prosecutor

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

PRAYER :-

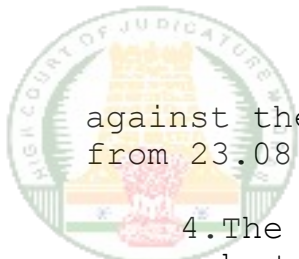
For Bail in Crime No.812/2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A4, who was arrested on 23.08.2021 for the offence under Sections 294(b), 302, 307 and 324 I.P.C, in Crime No.812 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to wordy quarrel with regard to civil dispute, the accused persons abused the defacto complainant and his family members in filthy language and assaulted them with deadly weapons. In the said occurrence, the defacto complainant's father died at the spot and the defacto complainant and others sustained grievous injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not indulged in any kind of offences as alleged by the prosecution. It is a case in counter. In the said occurrence, the first accused also sustained head injury and a case in Crime No.813 of 2021 was registered as



against the defacto complainant. The petitioner is inside the prison from 23.08.2021 and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that there was a property dispute between the accused and the defacto complainant. It is a case and counter case. He would further submit that the investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the fact that there is a civil dispute, a counter case was also registered, the first accused has also sustained head injury and also the period of incarceration, this Court is inclined to grant bail to the petitioner on certain conditions.

6. Accordingly, this Criminal Original Petition is allowed and 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, Orathanadu Thanjavur District 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 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 229-A IPC.

sd/-

25/10/2021

/ 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.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

- 1 THE JUDICIAL MAGISTRATE
ORTHANADU, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE OFFICER INCHARGE
SUB JAIL,
PUDUKOTTAI, PUDUKOTTAI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
PAPPANADU POLICE STATION,
ORTHANADU TALUK,
THANJAVUR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.D.NANASEKARAN, Advocate SR.No.7393

ORDER

IN

CRL OP(MD) No.15631 of 2021

Date :25/10/2021

SA/JM/SAR.4/25.10.2021/3P/7C