



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15890 of 2021

Arif @ Mohammed Arif

... Petitioner/Accused No.7

Vs

The State rep.by
The Inspector of Police,
Town North Police Station
Dindigul District
Crime No.832 of 2021.

... Respondent/Complainant

For Petitioner : Mr.M.SURESH
Advocate.

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

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

PRAYER :-

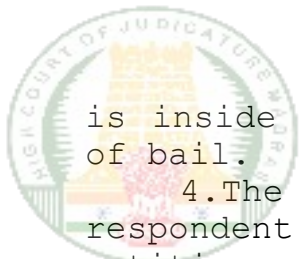
For Bail in Cr.No.832 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A7, who was arrested on 18.09.2021, for the offence punishable under Sections 294(b), 307, 324 and 506(ii) I.P.C @ Sections 147, 148, 294(b), 324, 120(b), 307 and 506(ii) I.P.C, in Crime No.832 of 2021 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 14.09.2021, when the defacto complainant made an arrangement for Covid-19 Vaccine Camp to the people, the ex-Councillor of that zone one Vijayakumar and others quarrelled with the defacto complainant that how he conduct the camp without informing them and assaulted the defacto complainant with knife and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the defacto complainant and the petitioner are belonging to rival political parties. Since the petitioner is the follower of the first accused, a case has been registered against the petitioner. He would further submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The petitioner



is inside the prison from 18.09.2021 and hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police opposed the grant of bail on the ground that the petitioners along with others assaulted the defacto complainant and caused injuries. He would further submit that the investigation is yet to be completed and now, the injured was discharged from the hospital and there is no adverse antecedent as against the petitioner.

5.Considering the facts and circumstances of the case, the fact that the injured was discharged from the hospital, the petitioner was added as an accused as he is the follower of the first accused, who is the main accused in this case, the fact that he has not involved in any other offence and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, the 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 No.II, Dindigul 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 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 is 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/-

22/10/2021

/ 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 NO.II
DINDIGUL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE OFFICER INCHARGE
DISTRICT PRISON, DINDIGUL

4 THE INSPECTOR OF POLICE,
TOWN NORTH POLICE STATION
DINDIGUL DISTRICT

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.15890 of 2021

Date :22/10/2021

SA/VR/SAR.3/22.10.2021/3P/6C