



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12.10.2021
PRESENT

WEB COPY

The Hon'ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15845 of 2021

Santhiyagu @ Chandrasekaran

... Petitioner/Accused No.2

Vs

The State rep. by,
The Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram District.
(Crime.No.250 of 2021).

... Respondent/Complainant

For Petitioner : Mr.P.MUTHUSAMY
Advocate.

For Respondent : Mr.ANTONY SAHAYA PRABHAKAR
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.250 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2 herein, who was arrested on 01.10.2021 for the alleged offence under Sections 294(b), 324, 307, 506(ii) r/w 120 (b) of IPC, in Crime No.250 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 30.09.2021, when the defacto complainant's husband went to plough the disputed land, accused No.1 at the instigation of accused No.2 quarrelled with him and assaulted with aruval, due to which, he sustained injury and admitted in the hospital. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner has not committed any offence and only due to previous motive, the defacto complainant lodged a complaint before the respondent police. He would further submitted that the petitioner is aged about 82 years and he is also taking treatment for his heart ailment. The specific overt act is only against the A1. The overt act against this petitioner is only he instigate A1. Hence, he seeks bail.



4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the specific overt act is only against the A1 and investigation is still pending.

5.Considering the facts and circumstances of the case, nature of allegation against the petitioner, the age of the petitioner and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

6.Accordingly, 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, Thiruvadanai and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judge 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 on every Monday at 10.30 a.m. for a period of eight weeks.

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

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

[f] On breach of any of the aforesaid conditions, the learned Judge/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 Judge/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

12/10/2021

/ 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
THIRUVADANAI.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE OFFICER INCHARGE
DISTRICT PRISON
RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE,
R.S.MANGALAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

ORDER

IN

CRL OP(MD) No.15845 of 2021

Date :12/10/2021

SA/PN/SAR.2/12.10.2021/3P/6C