



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.16544 of 2021

Chandrasekar

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Sessions Court Police Station,
Trichy City.
In Crime No.436 of 2021.

... Respondent/Complainant

For Petitioner : Mr.P.M.Vishnuvarthanan,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

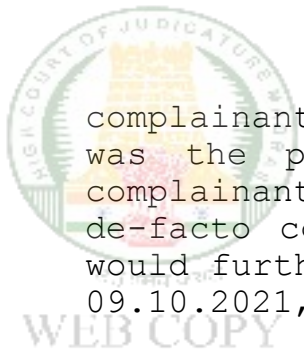
PRAYER :-For Bail in Crime No.436 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole accused, who was arrested and remanded to judicial custody on 09.10.2021 for the offences punishable under Sections 294(b), 332, 324 and 307 IPC in Crime No.436 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant is working in Differently Abled Persons Welfare Office of Trichy District. On 08.10.2021, the de-facto complainant called for the petitioner and demanded log book, due to which, there was a wordy quarrel between the petitioner and the de-facto complainant, in which, the petitioner attacked the de-facto complainant on his head with plastic chair. Thereby, the de-facto complainant sustained injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner was working as a driver in the de-facto complainant's service on a temporary basis. He would also submit that the de-facto



complainant demanded bribe to recommend for regularization and that was the primary cause between the petitioner and the de-facto complainant. In order to wreck vengeance against the petitioner, the de-facto complainant has given a false complaint against him. He would further submit that the petitioner is in judicial custody from 09.10.2021, hence he seeks bail.

4.The learned Additional Public Prosecutor would submit that there was a wordy quarrel between the petitioner and the de-facto complainant, in which, the petitioner attacked the de-facto complainant on his head with plastic chair. He further submit that the injured was already discharged from the hospital.

5.Considering the facts that there was a wordy quarrel between the petitioner and the de-facto complainant, that the injured was already discharged from the hospital and also the fact that the petitioner is in judicial custody from 09.10.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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 Court No.II, Tiruchirapalli.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of one month and thereafter, as and when required for interrogation.

iii)the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v)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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

09/11/2021

/ 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,
TRICHY.
 - 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.
 - 4 THE INSPECTOR OF POLICE
SESSIONS COURT POLICE STATION, TRICHY CITY.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to Mr.P.M.VISHNUVARTHANAN, Advocate (SR-7932[I] dated 09/11/2021)

ORDER
IN
CRL OP(MD) No.16544 of 2021
Date :09/11/2021

SJI
MK/PN/SAR.IV/09.11.2021/3P/7C