



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/11/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16943 of 2021

Gopi @ gopinath

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Pattukottai Town Police Station,
Thanjavur District.
(Cr.No.1029 of 2021).

... Respondent/Complainant

For Petitioner : Mr.B.JAMEEL ARASU,
Advocate.

For Respondent : Mr.A.THIRUVADI KUMAR,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.1029 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 15.09.2021, for the offence punishable under Sections 147, 148, 294(b), 324, 506(ii), 307 and 109 I.P.C., in Crime No.1029 of 2021 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that both the defacto complainant and the accused persons are habitual offenders of sand theft and there was a dispute between the parties in doing such sand theft. On 14.09.2021, a quarrel was erupted between the parties, due to which, both the parties assaulted each other. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. However, he has been languishing in jail from 15.09.2021. He further submits that it is a case and counter case. Hence, he seeks for grant of bail.



4.The learned Additional Public Prosecutor appearing for the respondent police on the ground that the petitioner is having one previous case of sand theft. However, he fairly submits that the injured has been discharged from the hospital.

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

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, 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 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/-

01/11/2021

/ 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
PATTUKKOTTAI

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



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.

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.16943 of 2021

Date :01/11/2021

SA/PN/SAR.1/01.11.2021/3P/6C