



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 01/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.17043 of 2021

Ramesh

... Petitioner/Accused No.2

Vs

The Inspector of Police,
Ammamet Police Station,
Thanjavur District.
(Crime No.892 of 2021)

... Respondent/Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian,
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. 892 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A2 who was arrested and remanded to judicial custody on 16.10.2021 for the offence under Sections 294(b), 352 and 307 I.P.C, in crime No.892 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that there was a dispute between the defacto complainant's father and A1 to A3. On 23.09.2021, a quarrel was erupted between the defacto complainant and the accused persons and consequent to that, the accused persons attacked the defacto complainant with deadly weapons and attempted to murder him. 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, the petitioner is inside the prison from 16.10.2021. 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 submits that it is a case and counter case and the injured was discharged from the hospital.

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



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 was discharged from the hospital, this Court is inclined to grant bail to the petitioner on certain conditions.

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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, Papanasam, Thanjavur District 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 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]**; and

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

sd/-

01/11/2021

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

ORDER
IN
CRL OP(MD) No.17043 of 2021
Date :01/11/2021

PNM/OGY
MS/JM/SAR-1/01.11.2021/3P.6C