



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11.11.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.17505 of 2021

Muthukumar @ Muthukumaran ... Petitioner/Sole Accused

Vs

The State rep by
The Inspector of Police,
Musiri Police Station,
Trichy.

Crime No.425 of 2021

... Respondent/Complainant

For Petitioner : Mr.V.Vishnu,
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.425 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 16.10.2021 for the offences punishable under Sections 294(b) and 307 IPC in Crime No.425 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to property dispute between the petitioner and the de-facto complainant, there was a wordy quarrel arose between themselves, the petitioner attacked the de-facto complainant's husband by using knife and caused injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that a counter case has been registered in Crime No.426 of 2021 against the de-facto complainant party. He would further submit that the petitioner is in judicial custody from 16.10.2021. Hence, he seeks bail.



4.The learned Additional Public Prosecutor would submit that due to property dispute between the parties, the petitioner attacked the de-facto complainant's husband by using knife. He would also submit that the injured was already discharged from the hospital and that it is a case and counter case and the counter case has been registered in Crime No.426 of 2021 as against the de-facto complainant party.

5.Considering the facts that there existed property dispute between the parties, that the injured was already discharged from the hospital, that the counter case in crime No.426 of 2021 is pending against the de-facto complainant and party, that the petitioner is not having any previous case for similar or serious offence and also the fact that the petitioner is in judicial custody from 16.10.2021, 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 Court, Musiri.

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/-

11/11/2021

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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 COURT, MUSIRI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
MUSIRI POLICE STATION,
TRICHY.
4. THE SUPERINTENDENT,
CENTRAL PRISON, TIRUCHIRAPPALLI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.17505 of 2021
Date : 11.11.2021

VB/JC/SAR-II/11.11.2021/3P/6C