



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/11/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17637 of 2021

Chinnapandi

... Petitioner/Accused No.1

Vs

The State rep.by,
The Sub Inspector of Police,
Gandamanur Vilakku Police Station,
Theni District.
(Crime No.261 of 2021).

... Respondent/Complainant

For Petitioner : Mr.C.Muthu Saravanan,
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.261 of 2021 on the file of the Respondent Police.

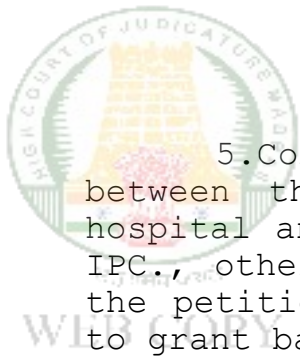
ORDER : The Court made the following order :-

The petitioner/Accused No.1, who was arrested and remanded to judicial custody on 12.10.2021 for the offence punishable under Sections 109, 294(b), 323, 307 and 506(ii) IPC, in Crime No.261 of 2021, on the file respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity between the parties, the petitioner along with other accused attacked the defacto complainant and caused injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 12.10.2021.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that there was previous enmity between the petitioner and the complainant. The complainant injured was also discharged from the hospital.



5.Considering the fact that there existed previous enmity between the parties, that the injured was discharged from the hospital and that except the offence under Sections 307 and 506(ii) IPC., other offences are bailable in nature and also the fact that the petitioner is not having previous case, this Court is inclined to grant bail to the petitioner with certain 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, Andipatti, Theni District and on further conditions that;

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 until further orders.

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/-
15/11/2021

/ 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,
ANDIPATTI, THENI DISTRICT.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE OFFICER INCHARGE
DISTRICT PRISON, DINDIGUL.

4 THE SUB INSPECTOR OF POLICE
GANDAMANUR VILAKKU POLICE STATION, THENI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.17637 of 2021
Date :15/11/2021

das
MK/VR/SAR.IV/15.11.2021/3P/6C