



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

Date : 16/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17807 of 2021

Nithishkumar

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Session Court Police Station,
Trichy City.
Crime No.487 of 2021

... Respondent/Complainant

For Petitioner : M/s.Arunraj K,
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.487 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested and remanded to judicial custody on 01.11.2021 for the offence punishable under Sections 341, 294(b), 323, 506(ii) of IPC and r/w Section 3(1) of Prevention to Public Property Act, 1984, in Crime No.487 of 2021, on the file respondent police, seeks bail.

2.The case of the prosecution is that on 01.11.2021, the petitioner along with other accused stopped the ambulance and abused the defacto complainant in filthy language and also attacked him. 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 also submit that the petitioner is not having any previous cases pending against him. However, to show his bona fide, the petitioner has come forward to pay a sum of Rs.10,000/- to the credit of Chief Minister's Public Relief Fund.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner damaged the Ambulance mirror and also would submit that the petitioner is not having any previous case for similar or serious offence.

5.Considering the facts that the petitioner is in judicial custody from 01.11.2021 and that the petitioner is not having any previous case for similar or serious offence as stated by the learned Additional Public Prosecutor, 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 No.II, Trichy, 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 pay a sum of Rs.10,000/-(Rupees Ten Thousand Only)to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172) and produce the receipt/acknowledgment before the learned Judicial Magistrate No.II, Trichy.

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

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

v)the petitioner shall not abscond during trial.

vi)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].

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

sd/-
16/11/2021

/ 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.

WEB COPY

- TO
1. THE JUDICIAL MAGISTRATE NO.II,
TRICHY.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 3. THE INSPECTOR OF POLICE,
SESSION COURT POLICE STATION,
TRICHY CITY.
 4. THE SUPERINTENDENT, CENTRAL JAIL,
TRICHY.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
THE CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU,
SECRETARIAT, CHENNAI-9.

ORDER
IN
CRL OP(MD) No.17807 of 2021
Date :16/11/2021

TTA
MS/VR/SAR-1/16.11.2021/3P.7C