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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD). No.20496 of 2021

Rajesh @ Anthoniprasanna, ... Petitioner/2nd Accused

Vs

State Rep by
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
(Crime No.373/2021).

... Respondent/Complainant

For Petitioner : M/s Muniyandi.S,
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. 373 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2 herein, who was arrested on 26.10.2021 for the alleged offence under Sections 294(b), 323, 324, 506(ii) IPC altered into 294(b), 323, 324, 506(ii) and 307 IPC, in Crime No.373 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 13.09.2021 at about 08.00 p.m., when the defacto complainant's husband was speaking with the accused persons, wordy quarrel arose between them. At that time, the accused persons abused them in filthy language and attacked by using wooden log. Hence, the case was registered for the offences punishable under Sections 294(b), 323, 324, 506(ii) IPC, thereafter it was altered into 294(b), 323, 324, 506(ii) and 307



3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submitted that the defacto complainant has a motive with A1. Since the petitioner is the friend of A1, he was wrongly roped in.

4.The learned Additional Public Prosecutor submitted that there was a money dispute between the first accused and the injured person. Over the above money transaction trouble arose between them. Since the petitioner is being friend of A1 joined with them and made the assault with iron rod. Fracture injury was sustained by the injured person and aberrations and lacerations were also found in the body. Apart from that there is injury on the parietal region also. He has also submitted that A3 was detained under detention law. Since the petitioner is involved in similar previous cases, the learned Additional Public Prosecutor strongly objected the grant of bail.

5.However, considering the period of incarceration, this Court is inclined to grant bail to the petitioner with stringent conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sivakasi and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

7.Further the petitioner shall correct himself and is not indulged in any such sort of activities in future. If any fresh complaint is received or any fresh case is registered against the petitioner, the bail granted by this Court shall stand cancelled automatically without any further reference to the Court.

sd/-
23/12/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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 No.II, Sivakasi.
 2. Do-Through The Chief Judicial Magistrate,
Viruthunagar District at Srivilliputtur.
 3. The Officer Incharge, District Prison, Virudhunagar.
 4. The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
 5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.S.MUNIYANDI, Advocate (SR-9680[I] dated 23/12/2021)

ORDER IN
CRL OP(MD) No.20496 of 2021
Date : 23/12/2021

TR/JC/SAR-IV(23.12.2021) 3P 7C