



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

Date : 07/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

WEB COPY

CRL OP(MD) . No.1593 of 2022

Gnana Vakiswaran

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Orathanadu Police Station,
Thanjavur District.
Cr.No.23 of 2022.

... Respondent/Complainant

For Petitioner : Mr.MAHENDRA RAJAN, Advocate
for Mr.N.JOTHIVEL, Advocate.

For Respondent : Mr.E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No. 23 of 2022 on the file of the Respondent police.

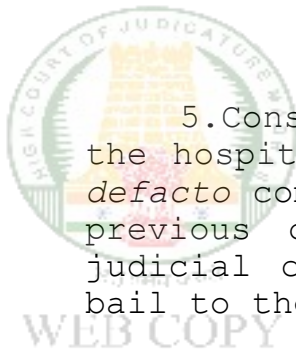
ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 08.01.2022 for the offences punishable under Sections 294(b), 307 IPC in Crime No.23 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner threatened the *defacto* complainant, abused in unparliamentary words and attacked him with iron rods and caused injures. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would further submit that the injured was discharged from the hospital, that case in counter is also pending in Cr.No.6 of 2022 against the *defacto* complainant and party and that the petitioner is in judicial custody from 08.01.2022. Hence, he seeks bail.

4.The learned Additional Public Prosecutor would submit that the investigation is not yet completed and counter case is also pending against the *defacto* complainant. He would fairly concede that no previous case is pending against the petitioner herein.



5.Considering the facts that the injured was discharged from the hospital, that the case in counter is also pending against the *defacto* complainant and party, that the petitioner is not having any previous case of similar nature and that the petitioner is in judicial custody from 08.01.2022, this Court is inclined to grant bail to the petitioner subject to the following 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, Orathanadu, Thanjavur District.

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/-

07/02/2022

/ TRUE COPY /

07/02/2022

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
ORATHANADU, THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.



3 THE OFFICER INCHARGE
SUB JAIL, PAPANASAM,
THANJAVUR DISTRICT.

4 THE INSPECTOR OF POLICE,
ORATHANADU POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to M/S.JOTHIVEL.N Advocate SR.No.817

ORDER

IN

CRL OP(MD) No.1593 of 2022

Date :07/02/2022

SA/VR/SAR.3/07.02.2022/3P/7C