



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

Date : 22/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.3556 of 2022

WEB COPY

Karthick @ Kattan

... Petitioner/Accused No.3

Vs

State represented by
The Inspector of Police,
Pattukottai Taluk Police Station,
Thanjavur District.
(Crime No.638 of 2021).

... Respondent/Complainant

For Petitioner : Mr.M.Pitchai Muthu,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

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

PRAYER :-

For Bail in Crime No.638 of 2021 on the file of the Respondent Police.

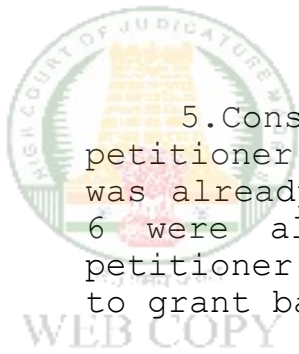
ORDER : The Court made the following order :-

The petitioner/A.3, who was arrested and remanded to judicial custody on 24.11.2021 for the offences punishable under Sections 294 (b), 341, 395 and 506(2) IPC, in Crime No.638 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 22.11.2021 at about 08.00 p.m., the petitioner along with other accused had assaulted the defacto complainant and threatened him with dire consequences. 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. He would further submit that the co-accused 2 and 6 were already released on bail by this Court.

4.The learned Additional Public Prosecutor would submit that the injured was already discharged from the hospital and that the petitioner is not having any previous cases except the two present cases.



5.Considering the above facts and also the facts that the petitioner is in judicial custody from 24.11.2021, that the injured was already discharged from the hospital, that the co-accused 2 and 6 were already released on bail by this Court and that the petitioner is not having any previous cases, 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, Pattukottai, Thanjavur District.

(a) 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;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(c)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)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]***; and;

(f)if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
22/02/2022

/ TRUE COPY /

22/02/2022
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,
PATTUKOTTAI, THANJAVUR DISTRICT.

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

3 THE INSPECTOR OF POLICE
PATTUKOTTAI TALUK POLICE STATION,
THANJAVUR DISTRICT.

4 THE OFFICER INCHARGE,
SUB-JAIL, PUDUKKOTTAI.

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

ORDER

IN

CRL OP(MD) No.3556 of 2022

Date :22/02/2022

RS/VR/SAR.2(22.02.2022) 3P-6C