



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

Monday, the Twenty First day of February Two Thousand and Twenty Two

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) No.3590 of 2022

CHRISTOPER RAJ BERQMANS

... PETITIONER/SOLE ACCUSED

Vs

1 STATE REP.BY
THE INSPECTOR OF POLICE
NATCHIYARKOVIL POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.90/2022)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.SENTHILKUMAR.B Advocate
For Respondent : E.ANTONY SAHAYA PRABAHAR,
Additional Public Prosecutor

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

PRAYER : FOR BAIL IN CRIME NO.90/2022 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 29.01.2022 for the offences punishable under Sections 294(b) and 307 IPC, in Crime No.90 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant is the father of the petitioner, and the brother of the petitioner has settled at his father-in-law's house, there was some disputes between them, due to which, the petitioner attacked the defacto complainant's another son with aruval and caused head injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution.

4.The learned Additional Public Prosecutor would submit that there was family dispute with regard to the property and the injured was discharged from the hospital after treatment of 15 days. He

<https://hcservices.ejudts.gov.in/hcservices/>



would further submit that the petitioner is not having any bad antecedents.

5. Admittedly, the petitioner is the son of the defacto complainant and the injured is the brother. Considering the facts that there existed family dispute between parties, that the injured was discharged from the hospital, that the petitioner is not having any bad antecedents and that the petitioner is in judicial custody from 29.01.2022 and also the fact that the investigation is almost completed as stated by the learned Additional Public Prosecutor, 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 No.II, Kumbakonam.

(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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

21/02/2022

/ TRUE COPY /

21/02/2022

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
KUMBAKONAM.

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

3 THE INSPECTOR OF POLICE
NATCHIYARKOVIL POLICE STATION,
THANJAVUR DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, KUMBAKONAM.

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

ORDER

IN

CRL OP(MD) No.3590 of 2022

Date :21/02/2022

RS/PN/SAR.1 (21.02.2022) 3P-6C