



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

Date : 04/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.6156 of 2022

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Dhivakar @ Divakar

... Petitioner/Accused No.1

Vs

State represented by
The Inspector of Police,
Vallathirakottai Police Station,
Pudukkottai District.
(Crime No.32 of 2022).

... Respondent/Complainant

For Petitioner : Mr.A.Balaji,
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.32 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.1, who was arrested and remanded to judicial custody on 23.03.2022 for the offences punishable under Sections 294 (b), 324, 427 and 307 IPC, in Crime No.32 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant and the petitioner are friends and on 18.03.2022, some wordy quarrel arose between two groups and the same was resulting in fist fight between them. During that fight, the defacto complainant remained mute spectator and he has not supported the petitioner, due to that, on 19.03.2022, the petitioner has attacked the defacto complainant with iron rod. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the learned Principal Sessions Judge, Pudukkottai, has granted bail to the accused 2 to 4 and since the petitioner is having six previous cases, application for bail was dismissed as against this petitioner.



4.The learned Additional Public Prosecutor would submit that the petitioner is having six previous cases, which includes, one case for the offence under Section 302 IPC and other cases were registered for the offence under Section 506(2) IPC and other minor offences.

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5.Considering the above facts and also the facts that the petitioner is in judicial custody from 23.03.2022, that the injured was already discharged from the hospital and that the co-accused were already released on bail by the Principal Sessions Court, 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.1, Pudukkottai.

(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 deposit 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), without prejudice to his rights and contentions before the trial court. The petitioner shall execute the sureties on showing the receipt of the said amount.

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

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

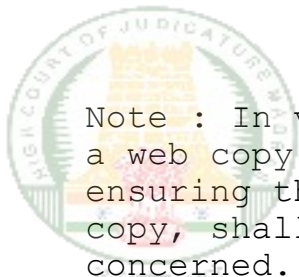
sd/-

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04/04/2022

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.

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TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
PUDUKKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI.
- 3 THE INSPECTOR OF POLICE
VALLATHIRAKOTTAI POLICE STATION,
PUDUKKOTTAI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, PUDUKKOTTAI.
- 5 THE OFFICER-INCHARGE,
CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMIL NADU, SECRETARIAT,
CHENNAI-9.
- 6 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6156 of 2022
Date :04/04/2022

RS/PN/SAR.4(04.04.2022) 3P-7C