



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

Date : 20/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7228 of 2022

Mari ... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Thiruppachethi Police Station,
Sivagangai District.
Crime No.29 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Senthil Kumar R,
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.29 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 28.03.2022 for the offences punishable under Sections 294 (b), 323, 324 and 506(ii) IPC @ 294(b), 323, 324, 506(ii) and 307 IPC, in Crime No.29 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity between the parties, on 28.02.2022, the petitioner and other accused abused the de-facto complainant in filthy language and attacked him and his father with sickle and also attempted to murder the de-facto complainant. Thereby, the de-facto complainant and his father had suffered injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that A2 and A3 were already arrested and released on bail by the Sessions Court.



4.The learned Additional Public Prosecutor would submit that the injured was discharged from the hospital.

5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 28.03.2022 and also the facts that the injured was discharged from the hospital, that except the offence under Sections 307 and 506(ii) IPC, all other offences are bailable in nature and that A2 and A3 were already arrested and released on bail by the 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 Court, Thiruppuvanam.

(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/-

20/04/2022

/ TRUE COPY /

20/04/2022

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.

WEB COPY

1 THE JUDICIAL MAGISTRATE,
THIRUPPUVANAM.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, SIVAGANGAI.

4 THE INSPECTOR OF POLICE
THIRUPPACHETHI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.R.SENTHIL KUMAR, Advocate (SR-3542[I] dated 20/04/2022)

ORDER

IN

CRL OP(MD) No.7228 of 2022

Date :20/04/2022

RS/VR/SAR.4 (20.04.2022) 3P-7C