



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/05/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD). No.7260 of 2022

Guhan @ Guna

...Petitioner/Accused Rank not Known

Vs

The State Rep. by
The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District District
(Crime No. 590 of 2021).

...Respondent/Complainant

For Petitioner : Mr. M.S. JeyaKarthick
Advocate.

For Respondent : Mr.A.Thiruvadikumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.590 of 2021 on the file of the Respondent Police.

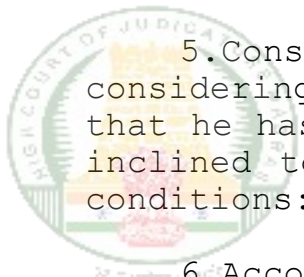
ORDER : The Court made the following order :-

The petitioner/accused, who was arrested and remanded to judicial custody on 27.03.2022 for the offences punishable under Sections 341, 147, 148, 294(b), 324, 307 and 120(b) IPC and U/s.3 of TNPPDL Act @ U/s. 341, 147, 148, 294(b), 324, 307, 120(b) and 302 IPC and U/s. 3 of TNPPDL Act on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous motive that petitioner and other accused are said to have attacked the deceased and thereby, caused grievous injuries and subsequently, he was died. Hence, the complaint.

3.The learned counsel for the petitioner would submit that there is no specific overtact attributed against the petitioner and his name has been falsely implicated in this case.

4.The learned Additional Public Prosecutor would submit that the specific allegation against the petitioner is that he has passed over death of the deceased through mobile phone and the investigation of the case is pending. He would further submit that there is no previous case against the petitioner.



5.Considering the facts and circumstances of the case and also considering that the petitioner is not having any previous case and that he has only passed over the incident over phone, 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.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Paramakudi.

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall appear before the respondent police daily at 10.30 am until further orders.

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

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

(f)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;

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

sd/-
11/05/2022

/ TRUE COPY /

11/05/2022
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, Paramakudi.
2. Do Through the Chief Judicial Magistrate,
Ramanthapuram.

WEB COPY

3. The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District District
4. The Officer in Charge,
District Jail, Ramanathapuram.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to M/s.M.S.Jeyakarthik, Advocate (SR.No.4639)

CRL OP (MD) No.7260 of 2022

Date :11/05/2022

MGJ/GSV/SAR 4 (11.05.2022) 3P 6C