



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

Date : 21/04/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.7369 of 2022

WEB COPY

Deepakumar

... Petitioner/Accused No.2

Vs

State Rep.by
The Sub-Inspector of Police,
Karur Town Police Station,
Karur District.
(Crime No.238 of 2022).

... Respondent/Complainant

For Petitioner : Mr.S.Gokulraj,
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.238 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.2, who was arrested and remanded to judicial custody on 31.03.2022 for the offences punishable under Sections 147, 148, 294(b), 324, 427 and 307 IPC, in Crime No.238 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there existed previous enmity between the parties and on 29.03.2022 at about 09.00 p.m., the petitioner and other accused had attacked the defacto complainant and his friend by using lethal weapons. 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.

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.

5.Considering the facts that there existed previous enmity between the parties, that the injured was already discharged from



the hospital, that except the offence under Section 307 IPC, all other offences are bailable in nature and that the petitioner is not having any previous cases for similar offence or serious offence, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, 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 and produce the receipt/acknowledgment before the learned Judicial Magistrate No.I, Karur, Karur District.

7. On production of such receipt/acknowledgment, 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.I, Karur, Karur District.

(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., for a period of one month and thereafter as and when required for interrogation;

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

sd/-

21/04/2022

/ TRUE COPY /

21/04/2022

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

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

+1 CC to M/s.S.GOKUL RAJ, Advocate (SR-3667[I] dated 21/04/2022)

ORDER
IN
CRL OP(MD) No.7369 of 2022
Date :21/04/2022

RS/PN/SAR.1 (21.04.2022) 3P-8C