



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

Date : 08/06/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.9760 of 2022

WEB COPY

Suresh

... Petitioner/Sole Accused

Vs

State represented by
The Inspector of Police,
Kombai Police Station,
Theni District.
(Crime No.57 of 2022).

... Respondent/Complainant

For Petitioner : Mr.K.Sivabalan
Advocate.

For Respondent : Mr.B.Thanga Aravindh
Government Advocate(Crl.side)

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

PRAYER :-

For Bail in Crime No.57 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 26.04.2022 for the offences punishable under Sections 294(b), 324 and 506(2) of IPC @ 294(b), 326(A) & 506(ii) of IPC, 2012, in Crime No.57 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, the petitioner way laid the defacto complainant and attacked the defacto complainant and also abused her in filthy language. Hence, the complaint.

3.The learned counsel for the petitioner would submit that he is an innocent and he has not committed any offence as alleged by the prosecution and that he has been falsely implicated in the above case.

4.The learned Government Advocate (Crl.side) would submit that the injured was already discharged from the hospital and he would further submit that the petitioner is not having any previous cases for similar or serious offence. He would further submit that investigation has already been completed and charge sheet has been filed.



5.Considering the above facts and also the facts that the petitioner is in judicial custody from 26.04.2022, that there existed previous enmity between the parties, that the injured was already discharged from the hospital, that investigation has already been completed and charge sheet has been filed and that the petitioner is not having any previous cases for similar or serious offence as stated by the learned Government Advocate, 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, Bodinayakanur, Theni District.

(i)the sureties shall affix their photographs and left thumb impression in the surety bond and the Sessions Judge/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 Sessions Judge/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 Sessions Judge/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/-

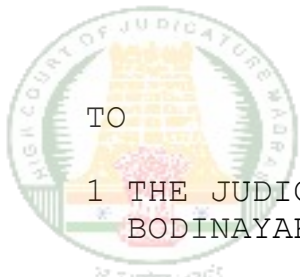
08/06/2022

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08/06/2022

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,
BODINAYAKKANUR, THENI DISTRICT

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

3 THE OFFICER INCHARGE,
UTHAMAPALAYAM SUB PRISON, THENI DISTRICT.

4 THE INSPECTOR OF POLICE,
KOMBALAI POLICE STATION, THENI DISTRICT.

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

+1 CC to M/s.K.SIVABALAN, Advocate (SR-5275[I] dated 08/06/2022)

ORDER

IN

CRL OP(MD) No.9760 of 2022

Date :08/06/2022

RS/PN/SAR.1 (08.06.2022) 3P-7C