



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13/06/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10146 of 2022

Karmegam

... Petitioner/Accused No.3

Vs

The State rep.by
The Inspector of Police,
Thirukostiyur Police Station,
Sivagangai District
(Crime No. 56 of 2022).

... Respondent/Complainant

For Petitioner : M/s.BANUMATHY.A,
Advocate.

For Respondent : Mr.B.THANGA ARAVINDH,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.56 of 2022 on the file of the respondent police.

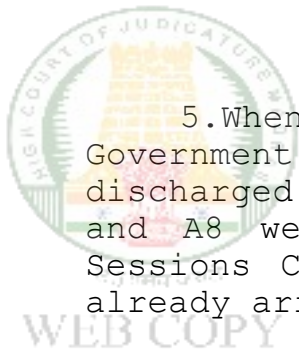
ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 03.05.2022 for the offence punishable under Section 147, 148, 294(b), 307 and 506(ii) of IPC in in Crime No.56 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the de-facto complainant's husband was having illicit intimacy with A5. Thereafter, some misunderstanding arose between them. Due to that motive, on 02.05.2022 at around 08.00 p.m., the petitioner along with other accused persons came to the de-facto complainant's house, abused the husband of the de-facto complainant and assaulted him with deadly 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.When the matter was taken up for hearing on 09.06.2022, after hearing the submissions made by the learned Government Advocate (Crl. side), this Court directed the prosecution to get a report from the concerned hospital with regard to the nature of injury.



5. When the matter is taken up for hearing today, the learned Government Advocate (Crl.Side) would submit that the injured was discharged from the hospital. He would further submit that A4, A5 and A8 were already granted anticipatory bail by the Principal Sessions Court, Sivagangai. He would also submit A6 and A7 were already arrested and they are still in judicial custody.

6. Considering the above facts and circumstances of the case and also the facts that the petitioner is in judicial custody from 03.05.2022, that the injured was already discharged from the hospital and that A4, A5 and A8 were already granted anticipatory bail by the Principal Sessions Court, Sivagangai, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7. 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, Thirupathur, Sivagangai 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/concerned 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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
13/06/2022

/ TRUE COPY /

13/06/2022
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
THIRUPATHUR, SIVAGANGAI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE OFFICER INCHARGE
SUB JAIL, PARAMAKUDI,
RAMANATHAPURAM DISTRICT.
- 4 THE INSPECTOR OF POLICE,
THIRUKOSTIYUR POLICE STATION,
SIVAGANGAI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+2. CC to M/S.BANUMATHY A Advocate SR.No.5419 & 5455

ORDER

IN

CRL OP(MD) No.10146 of 2022

Date :13/06/2022

SA/VR/SAR.1/13.06.2022/3P/8C