



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/06/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.10420 of 2022

M.Balamurugan,
S/o. Murugesan,
No.165, Ayenappatti,
Arangoor, Thottiyam Taluk Trichy
District-621 215.

... Petitioner/Sole Accused

Vs

The State Rep.by
The Inspector of Police,
Thottiyam Police Station,
Thottiyam,
Trichy District.
Crime No.114 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Vadivelan T,
Advocate.

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No.114 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 19.05.2022 for the offences punishable under Sections 294(b), 323, 307 and 506(ii) of IPC r/w Section 5 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, in Crime No.114 of 2022, on the file of the respondent police, seeks bail.



2.The case of the prosecution is that the petitioner drove the tractor in a rash and negligent manner and dashed against the two wheelers with an intention to kill the de-facto complainant and others and as a result of which, the de-facto complainant suffered injuries. Hence, the case.

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.

4.The learned Government Advocate (Crl.Side) would submit that the injured was discharged from the hospital and that the petitioner is having no previous case.

5.Considering the fact that there arose wordy quarrel between the parties regarding the temple festival and also taking note of the fact that the petitioner is in judicial custody from 19.05.2022 and also the facts that the injured was discharged from the hospital and that the petitioner is not having any bad antecedents, 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, Thottiyam.

(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 pay a sum of Rs.25,000/- (Rupees Twenty Five 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. The petitioner shall execute the sureties on showing the receipt of the said amount.

[iii] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

[iv] the petitioner shall not abscond either during investigation or trial.

[v] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[vi] 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]**.



[vii] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
15/06/2022

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15/06/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. The Judicial Magistrate,
Thottiyam.
2. Do-Through The Chief Judicial Magistrate,
Trichy District.
3. The Superintendent, Central Jail, Trichy.
4. The Inspector of Police,
Thottiyam Police Station,
Thottiyam,
Trichy District.
4. The Officer in Charge,
CMPRF in IOB, Secretariat Branch, Chennai-9
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL OP(MD) No.10420 of 2022
Date :15/06/2022

MGJ(15.06.2022)/PN/SAR I 3P 6C