



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22.07.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.13226 of 2022

Balamurugan

... Petitioner/Accused No.1

Vs

The State represented by
The Inspector of Police,
Town East Police Station,
Thanjavur.
(Crime No.735 of 2022).

... Respondent/Complainant

For Petitioner : M/s.D.SARANYA,,
Advocate.

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

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

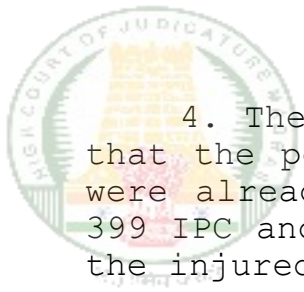
PRAYER :- For Bail in Crime No.735 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A.1, who was arrested and remanded to judicial custody on 18.06.2022 for the offences punishable under Sections 341, 294(b) and 307 IPC, in Crime No.735 of 2022, on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 17.06.2022 at about 07.30 p.m., the defacto complainant and his aunty came through two wheeler nearby the petitioner's house and at that time, the petitioner and his friend standing in front of the petitioner's house and when the defacto complainant asked them to move and give way to his two wheeler, a wordy quarrel arose between them, for which, the petitioner abused the defacto complainant in filthy language, attacked him by using iron pipe and threatened him with dire consequences. 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. He would further submit that the case in counter is pending in Crime No.736 of 2022 against the defacto complainant.



4. The learned Government Advocate (Criminal Side) would submit that the petitioner is having 11 previous cases, in which, 6 cases were already disposed of, one case under 302 IPC, two cases under 399 IPC and one case under 110 Cr.P.C. He would further submit that the injured was already discharged from the hospital.

5. Considering the facts that there existed previous enmity between the parties, that the injured was already discharged from the hospital and that the case in counter is pending, 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 No.I, Thanjavur.

(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/-

22/07/2022

/ TRUE COPY /

22/07/2022

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 NO.I
THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE SUPERINTENDENT
CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE,
TOWN EAST POLICE STATION,
THANJAVUR.

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

ORDER

IN

CRL OP(MD) No.13226 of 2022

Date :22/07/2022

SA/VR/SAR.3/22.07.2022/3P/6C