



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

Reserved on : 12.09.2022
Pronounced on : 14.09.2022

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.15906 of 2022

Kondammal

... Petitioners/Accused No.2

Vs

The State Rep. By,
The Inspector of Police,
Andipatti Police Station,
Theni District.
(Crime No.280/2022).

... Respondent/Complainant

For Petitioner : M/s.Senguttuarasan P,
Advocate.
For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

PRAYER :-

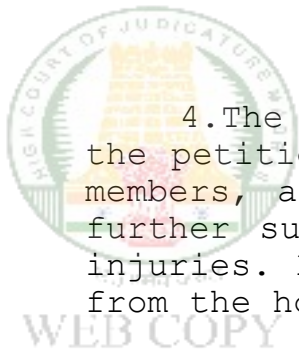
For Bail in Crime No.280/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who was arrested and remanded to judicial custody on 22.08.2022 for the offences punishable under Sections 294 (b), 324, 307, 448, 452, 506(ii), 109 of IPC and Section 4 of TNPHW Act in Crime No.280 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to land dispute on 21.08.2022 on the instigation of the second accused the petitioner herein abused the defacto complainant and his family members, assaulted them with sickle and caused injuries, hence the case came to be registered.

3.The learned counsel for the petitioner would submit that that due to previous enmity a false case has been foisted against the petitioner. He would further submit that the petitioner is in judicial custody from 22.08.2022, hence he seeks bail.



4.The learned Additional Public Prosecutor would submit that the petitioner herein abused the defacto complainant and his family members, assaulted them with sickle and caused injuries. He would further submit that in the said occurrence four persons sustained injuries. He would also submit that all the injured were discharged from the hospital, hence opposed to grant bail to the petitioner.

5.Considering the facts and circumstances of the case and considering the period of incarceration from 23.08.2022 and also the fact that the injured has been discharged from the hospital and considering the overt act attributed as against the petitioner, this Court is inclined to grant bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Andipatti, Theni 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., until further orders;

(iii)the petitioner shall not tamper with evidence or witness;

(iv)the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

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

sd/-

14/09/2022

/ TRUE COPY /

14/09/2022

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



TO

1. THE JUDICIAL MAGISTRATE,
ANDIPATTI, THENI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
ANDIPATTI POLICE STATION,
THENI DISTRICT.
4. THE OFFICER INCHARGE,
SUB JAIL, NILAKOTTAI, DINDIGUL DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15906 of 2022
Date :14/09/2022

AAV
USK/VRS/SAR-II/14.09.2022/3P/6C