



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 05.09.2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.15968 of 2022

WEB COPY

Chandru

... Petitioner/Accused No.1

Vs

The State Rep. By,
The Inspector of Police,
Vathalai Police Station,
Trichy District.
Crime No.130 of 2022.

... Respondent/Complainant

For Petitioner : Mr.K.Arunraj, 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.130 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 06.08.2022 for the offences punishable under Sections 294 (b), 323, 307 and 506(ii) IPC in Crime No.130 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 05.08.2022, there was a wordy quarrel between the parties, the petitioner and other accused scolded the de-facto complainant in filthy language and assaulted him with dire consequences. Hence, the complaint.

3.On the side of the petitioner, it is stated that the co-accused was already arrested and released on bail and that only because, the petitioner is having some bad antecedents, the bail petition filed by the petitioner was dismissed by the trial Court and prayed the petitioner to be released on bail.

4.On the side of the prosecution, it is stated that the petitioner has violated the bond under Section 110 of Cr.P.C. in the year 2021. It is fairly admitted that the co-accused was already released on bail and that the injured was discharged from the hospital.



5. Considering the period of incarceration and also considering the fact that the injured was already discharged from the hospital, 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, Musiri.

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

sd/-

05/09/2022

/ TRUE COPY /

05/09/2022

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

TO

1. THE JUDICIAL MAGISTRATE, MUSIRI.

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

3. THE SUPERINTENDENT,
CENTRAL PRISON, TRICHY.

4. THE INSPECTOR OF POLICE,
VATHALAI POLICE STATION, TRICHY DISTRICT.

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

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-9670[I] dated 05/09/2022)

ORDER IN

CRL OP(MD) No.15968 of 2022

Date : 05/09/2022