



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/09/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN
CRL OP(MD). No.16934 of 2022

WEB COPY

Shanmugam

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Fort Police Station,
Tricity City.
Crime No.1234 of 2022.

... Respondent/Complainant

For Petitioner : M/s.Kayvin Prince S.B.,
Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

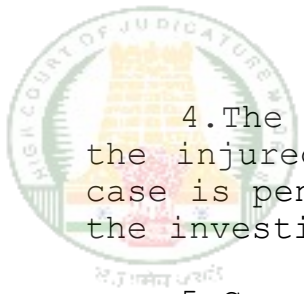
For Bail in Crime No.1234 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 28.08.2022 for the offences punishable under Section 294(b), 279, 201 and 307 of IPC, in crime No.1234 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 27.08.2022, there was a wordy quarrel arose between the parties. As a result of which, the petitioner scolded the defacto complainant in filthy language and kicked the defacto complainant's son. Thereafter, the petitioner took his vehicle in a high speed and hit the son of the defacto complainant on the left side leg and thigh and caused injuries. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 28.08.2022 onwards. Hence he may be granted bail.



4.The learned Government Advocate (crl.side) would submit that the injured has been discharged from the hospital and no previous case is pending against the petitioner. He would further submit that the investigation is still pending.

5.Considering the facts and circumstances of the case and also considering the period of incarceration and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant bail to the petitioner on 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 No.I, Trichy.

(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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

21/09/2022

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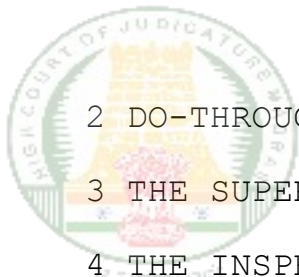
21/09/2022

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, TRICHY



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

3 THE SUPERINTENDENT, CENTRAL PRISON, TRICHY.

4 THE INSPECTOR OF POLICE, FORT POLICE STATION, TRICHY CITY,
TRICHY DISTRICT.

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

ORDER

IN

CRL OP(MD) No.16934 of 2022

Date :21/09/2022

CP

RS/SBN/SAR.3 (21.09.2022) 3P-6C