



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

Date : 16/12/2022

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.22285 of 2022

Suthakar

... Petitioner/Sole Accused

Vs

The State Rep. By,
The Inspector of Police,
Bodi Taluk Police Station,
Theni District.
(Crime No.352 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Senguttuarasan.P,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.352 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 05.12.2022 for the offence punishable under Section 307 IPC in Crime No.352 of 2022 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to a dispute regarding non-return of othi amount, the accused had assaulted the de-facto complainant with sickle, resulting in him, sustaining injuries in the left hand. Hence, the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner and the de-facto complainant are relatives and it is an unfortunate incident and that the petitioner is having no previous case. He would further submit that the petitioner is in judicial custody from 05.12.2022 and hence, he seeks for bail.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner and the de-facto complainant are relatives and during a quarrel in respect of non-return of othi amount, the incident had happened. He would further submit that the injured has been discharged from the hospital and there is no previous case pending against the petitioner. However, considering the gravity of offence, he strongly opposed to grant bail to the petitioner.

5.Heard. Perused the materials available on record.

6.Taking into consideration of the facts and submissions made by the learned counsels and that the petitioner is in judicial custody from 05.12.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

(a) Accordingly, the petitioner is ordered to be released on bail on condition to execute 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 Court, Bodi, Theni District, and on further conditions that:

(b) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(d) the petitioner shall not commit any offences of similar nature;

(e) the petitioner shall not abscond either during investigation or trial;

(f) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) on breach of any of the aforesaid conditions, the learned Judicial 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];

(h) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

16/12/2022

/ TRUE COPY /

16/12/2022

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



TO

1. THE JUDICIAL MAGISTRATE,
BODI, THENI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE OFFICER-INCHARGE,
DISTRICT PRISON, THENI.
4. THE INSPECTOR OF POLICE,
BODI TALUK POLICE STATION,
THENI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.SENGUTTUARASAN.P, Advocate (SR-14999[I] dated
16/12/2022)

ORDER
IN
CRL OP(MD) No.22285 of 2022
Date :16/12/2022

sj
USK/SSS/SAR- /16.12.2022/3P/7C