



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

Date : 24/07/2020

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.7483 of 2020

Loorthumani

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Moolakaraipatty Police Station
Tirunelveli District.
Crime No.75 of 2020

... Respondent/Complainant

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

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side).

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

PRAYER :-

For Bail in Crime No. 75 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner was arrested and remanded to Judicial Custody on 14.04.2020 for the offences punishable under sections 452, 294 (b), 324, 326, 307 of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002, in Crime No.75 of 2020 on the file of the respondent police. He seeks bail.

3. The learned Government Advocate strongly opposes the bail petition by pointing out that the petitioner had brutally attacked a woman resulting in amputation of her left hand. He pointed out that this Court had dismissed the earlier bail petition on 10.06.2020 on the ground that there is no change in circumstance.

4. I find considerable force in the objection raised by the learned Government Advocate. However, I felt that if some relief



could be secured for the victim, the petitioner's bail petition can be considered. I told the petitioner's counsel that if the petitioner pays a sum of Rs.1,00,000/- to the victim, I would be inclined to consider.

5. Today when the matter was taken up for hearing, it is submitted that a sum of Rs.1,00,000/- has been paid by the petitioner to the victim through the respondent police. A photograph of the police official handing over the payment to the victim is also before me.

6. The offence committed by the petitioner is quite shocking. Yet the fact remains that the petitioner is 62 years old and he has to necessarily prepare for his defence also. Considering the current pandemic times and the conduct shown by the petitioner by paying a sum of Rs.1,00,000/-, I am inclined to enlarge the petitioner on bail with certain conditions. Accordingly, the petitioner is ordered to be released on bail, subject to the following conditions;

(i) the petitioner shall be released on own bond by the Magistrate without insisting on sureties. However, the petitioner is directed 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, Nanguneri, after the concerned Court is reopened on regular basis.

(ii) the petitioner is directed to appear before the respondent police as and when required for interrogation.

(iii) on breach of any of the aforesaid conditions, the 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 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].

sd/-
24/07/2020

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/ /2020
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,
NANGUNERI.

2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
MOOLAKARAIPATTY POLICE STATION
TIRUNELVELI DISTRICT.

4. THE SUPERINTENDENT,
CENTRAL JAIL, PALAYAMKOTTAI.

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

ORDER

IN

CRL OP(MD) No.7483 of 2020

Date : 24/07/2020

PMU

TK/PN/SAR.2/24.07.2020/3P/6C