



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3245 of 2021

Muthupandi

... Petitioner/ Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Samayanallur Police Station,
Madurai District.
(Crime.No. 58 of 2021)

... Respondent/Complainant

For Petitioner : M/s.M.Pitchai Muthu,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.58 of 2021 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 07.02.2021 for the offences punishable under Sections 341,294(b),307,506(ii) of IPC r/w. Section 4 of TNPHW Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that the injured is a divorcee and the petitioner is the neighbour having intimacy with the victim and they both eloped. Thereafter the victim left the petitioner and lived with his father with her male child. Since the petitioner took away the child she lodged a complaint, due to the said motive on 06.02.201 the petitioner herein waylaid the victim and assaulted her. Hence the complaint.



3. The learned counsel for the petitioner submitted that the petitioner and the victim were living together for the past 9 years and they got one male boy aged about 8 years. The victim is a divorcee from the year 2009. Two months prior to the occurrence there was some misunderstanding between them and the victim had joined her parents. The petitioner had taken his son from the custody of the victim for which the victim had lodged a complaint against the petitioner. Thereafter both the victim and the petitioner were called for enquiry and after enquiry near the police station the petitioner said to have attacked the victim with a ruval on her neck. Thereafter he was arrested and now the victim was also discharged from the hospital.

4. The learned Additional Public Prosecutor would submit that the injured got discharged from the hospital.

5. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration and also taking note of the fact that the injured got discharged from the hospital, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6. Accordingly, the petitioner is ordered to be released on bail on his 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, Vadipatti, Madurai 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 for a period of two weeks and thereafter as and when required for interrogation.

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/-
04/03/2021

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/ /2021

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

AAV

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,
VADIPATTI, MADURAI
- 2 THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE
SAMAYANALLUR POLICE STATION,
MADURAI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3245 of 2021
Date :04/03/2021

NR/VR/SAR-III(04.03.2021) 2P:6C