



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

Date : 17/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.4024 of 2021

Sankarapandi

... Petitioner/1st Accused

Vs

State Rep.by
The Sub Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
Crime No.28 of 2021.

... Respondent/Complainant

For Petitioner : Mr.D.Venkatesh,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :- For Bail in Crime No.28 of 2021 on the file of the Respondent Police.

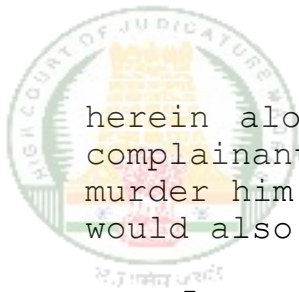
ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 06.02.2021 for the offences punishable under Sections 341,294(b),307 and 506(ii) of IPC on the file of the respondent police seeks bail.

2.The case of the prosecution is that on 06.02.2021 the petitioner herein along with other accused wrongfully restrained the defacto complainant,abused him in filthy language and also attempted to murder him. Hence the complaint.

3.The learned counsel for the petitioner would submit that due to previous enmity a false case has been foisted against the petitioner and now the injured got discharged from the hospital. He would also submit that the petitioner is in jail for more than 30 days, hence he may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that there are totally four accused in this case and the petitioner is not involved as A1. He would also submit that the petitioner



herein along with other accused wrongfully restrained the defacto complainant, abused him in filthy language and also attempted to murder him and now the injured got discharged from the hospital. He would also submit that tension is prevailing in that locality.

5. It is seen that earlier the defacto complainant's son Raja and the other accused persons were friends. The said Raja had snatched away the mobile phone of one Balaji who in turn had informed the same to the petitioner and his friends who had questioned the Raja and asked him to return back the mobile phone. Got offended over the same, the said Raja had attacked the petitioner and three of his friends with knife, in which four persons sustained injuries and a case in Crime No.397 of 2020 came to be registered and the said Raja was arrested in that case and later let out on bail. Thereafter the petitioner along with three others had waylaid the said Raja while he was proceeding in his two wheeler and attacked him. A2 and A3 were detained under Act.14 of 1982 and as far as this petitioner is concerned no previous case is pending against him.

6. 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:

7. 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, Srivaikundam.

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 stay at Tirunelveli and report before the Tirunelveli Town Police Station 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/-
17/03/2021

WEB COPY

/ TRUE COPY /

/ /2021

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, SRIVAIKUNDAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
MURAPPANADU POLICE STATION,
THOOTHUKUDI DISTRICT.
4. THE SUPERINTENDENT, CENTRAL JAIL,
PALAYAMKOTTAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI.

ORDER
IN
CRL OP(MD) No.4024 of 2021
Date :17/03/2021

AAV
MS/VR/SAR-4/17.03.2021/3P.7C