



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.4067 of 2021

WEB COPY

M.Paramasivam

... Petitioner/ Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.
(Crime No.57/2021).

... Respondent/Complainant

For Petitioner : M/s.Bharathi.C.,
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.57/2021 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 27.02.2021 for the offences punishable under Sections 452,294(b), 307 of IPC and Section 4 of TNPHW Act on the file of the respondent police seeks bail.

2.The case of the prosecution is that the petitioner borrowed grocery things for Rs.400/- from the defacto complainant two days prior the occurrence and when the defacto complainant asked the petitioner to pay the amount. Hence on 26.02.2021 at about 2.00 pm., when the defacto complainant was sitting in her house the petitioner herein abused the filthy language and stabbed her with knife . Hence the complaint.

3.The learned counsel for the petitioner would submit that a false case has been foisted against the petitioner and he is innocent and now the injured got discharged from the hospital.

4. The learned Government Advocate(Crl.Side) would submit that the defacto complainant is running a grocery shop in the locality
<https://hcmv.cemilab.gov.in/hcmv> borrowed grocery things for Rs.400/- from the defacto



complainant two days prior the occurrence and when the defacto complainant asked the petitioner to pay the amount. Hence on 26.02.2021 at about 2.00 pm., when the defacto complainant was sitting in her house the petitioner herein abused the filthy language and stabbed her with knife. He would also 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 cum Additional Mahila Court, Madurai.

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 7.30 pm., for a period of one week 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/-
17/03/2021

/ TRUE COPY /

/ /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 CUM
ADDITIONAL MAHILA COURT, MADURAI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE
NAGAMALAI PUDUKOTTAI 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.4067 of 2021

Date :17/03/2021

NR/PN/SAR-IV(17.03.2021)3P:6C