



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

Date : 26/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR  
CRL OP(MD) . No.4643 of 2021

WEB COPY

Muniyaraj

... Petitioner/Sole Accused

Vs

The State rep.by,  
The Inspector of Police,  
Thiruvidaimaruthor Police Station,  
Thanjavur District  
Crime No.97/2021.

... Respondent/Complainant

For Petitioner : M/s.Maheswaran.R.,  
Advocate.

For Respondent : Mr.M.V.Chandrasekaran,  
Government Advocate(Criminal Side)

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

PRAYER :-

For Bail in Crime no. 97 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 26.02.2021 for the offences punishable under  
Sections 294(b), 352,353 and 506(ii) of IPC on the file of the  
respondent police seeks bail.

2.The case of the prosecution is that the petitioner herein had  
come to the Court in a drunken mood and abused the defacto  
complainant in filthy languages and also threatened him with dire  
consequences. Hence the complaint.

3.The learned counsel for the petitioner would submit that the  
petitioner is innocent and a false case has been foisted against  
him. He would also submit that on 18.02.2021 the petitioner met  
with an accident due to which he sustained grievous injuries and on  
the date of occurrence he went to office and gave leave letter for  
three days for taking treatment but the defacto complainant refused  
to grant permission. When the same was questioned a false case been  
foisted against the petitioner. He would also submit that now the  
petitioner was suspended and he is in jail from 26.02.2021, hence he



4. The learned Government Advocate(Crl.Side) would submit that the defacto complainant in this case is the Head Clerk of District Munsif cum Judicial Magistrate Court, Thiruvidaimaruthur and the petitioner was working as Office Assistant in the said Court. He would also submit that when the defacto complainant asked the petitioner to attend the work on weekly holidays being aggrieved over the same, the petitioner herein in a drunken mood abused the defacto complainant in filthy languages and also threatened him with dire consequences.

5. It is seen that the petitioner is working as a Office Assistant in the District Munsif cum Judicial Magistrate Court, Thiruvidaimaruthur.. On 18.02.2021 while he was returning back to home he fell down and sustained injuries, hence on 21.02.2021 he sought leave for taking treatment . The defacto complainant who is the Head Clerk of the Court refused to grant leave for the reason on 05.03.2021 inspection is to be conducted. Being aggrieved over the same, the petitioner consumed alcohol went to the office created nuisance and also threatened the co- workers. Further the petitioner was also suspended on 01.03.2021.

6. Taking note of the above facts and circumstances of the case and also taking into consideration the period of incarceration, 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 District Munsif cum Judicial Magistrate Court, Thiruvidaimaruthur.

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 were breached 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/-  
26/03/2021

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/ 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 DISTRICT MUNSIF CUM  
JUDICIAL MAGISTRATE, THIRUVIDAIMARUTHUR.
- 2 DO THROUGH:  
THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM
- 3 THE INSPECTOR OF POLICE  
THIRUVIDAIMARUTHOR POLICE STATION,  
THANJAVUR DISTRICT
- 4 THE OFFICER INCHARGE,  
SUB JAIL,  
PUDUKKOTTAI.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN  
CRL OP(MD) No.4643 of 2021  
Date :26/03/2021

NR/VR/SAR-IV(26.03.2021) 3P:6C