



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

Date : 10/06/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.7450 of 2021

Muthupetchi

... Petitioner/Accused No.2

Vs

The State rep.by
The Inspector of Police,
Palayanoor Police Station,
Sivagangai District.
Crime No.31 of 2021.

... Respondent/Complainant

For Petitioner : Mr.R.Udhayakumar,
Advocate.

For Respondent : Mr.M.Muthu Manikkam,
Government Advocate (Crl.Side)

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

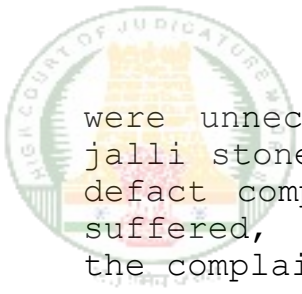
PRAYER :-

For Bail in Crime No.31 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 13.04.2021 for the offences punishable under Sections 294(b), 323, 307, 506(ii) I.P.C. @ 294(b), 323, 506(ii) and 302 I.P.C., in Crime No.31 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the husband of the defacto complainant belongs to ADMK party. There was previous enmity with one Lakshmanan, who belongs to DMK party. During the election campaign, on 16.04.2021, at about 04.00 p.m., the accused came, picked up a quarrel and damaged the car INDICA Vista bearing Registration No.TN-59-A-1906. Therefore, the husband of the defacto complainant lodged a complaint. Then, on the very next day, at about 06.30 a.m., when the father-in-law of the defacto complainant, namely Narayanan and others were talking in front of the house, the accused came there and scolded them in filthy language. When the defacto complainant's father-in-law questioned them as to why they



were unnecessarily picking up quarrel, the accused hit him with jalli stone and caused injury. Also the second accused attacked the defact complainant's husband with wooden log. Due to the injuries suffered, the defact complainant's father-in-law succumbed. Hence the complaint.

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3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. It is further submitted that the defacto complainant and her associates committed violence against the petitioner and others and therefore, the petitioner and her associates gave a complaint and that was registered in Cr.30 of 2021. He would further submit that the petitioner is in judicial custody from 13.04.2021 and he will abide by any condition and hence, he would pray for granting bail to the petitioner.

4.The learned Government Advocate(Crl.Side) appearing for the respondent police opposed this petition on the ground that the investigation in this case is not completed.

5. It is seen from the submissions that the substantial part of the investigation in this case is completed and there is a counter case registered against the defacto complainant and others and the petitioner is in judicial custody from 13.04.2021. Taking into consideration all these facts and also considering the period of incarceration, this Court is inclined to grant bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) before the Jail Authority. The petitioner after his release shall surrender before the concerned Judicial Magistrate voluntarily on any working day within a period of one month from the date of resumption of regular work in the Subordinate Courts and 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 District Munsif cum Judicial Magistrate Court, Thiruppuvanam, Sivagangai District. On such execution of bond before the concerned Magistrate, the own bond executed before the Jail Authority shall stand cancelled automatically.

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 am., 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/-

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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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUPPUVANAM, SIVAGANGAI DISTRICT.

2. -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3. THE SUPERINTENDENT,
CENTRAL PRISION, MADURAI DISTRICT.

4. THE INSPECTOR OF POLICE,
PALAYANOOR POLICE STATION,
SIVAGANGAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.7450 of 2021

Date : 10/06/2021

KMM

AE/AKM/SAR-II/10.06.2021/3P/6C