



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

Date : 26/05/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.6976 of 2021

1. Poovalingam
2. Hari @ Hari Shanmuganathan ... Petitioners/Accused Nos.1 and 2

Vs

State Represented by
The Sub Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
Crime No. 57 of 2021. ... Respondent/Complainant

For Petitioners : Mr.G.Mariappan,
Advocate.
For Respondent : Mr.M.Muthumanickam,
Government Advocate (Crl.Side)

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

PRAYER :-

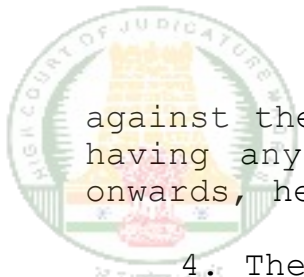
For Bail in Crime No.57 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused Nos.1 and 2, who were arrested and remanded to judicial custody on 27.04.2021 for the offences punishable under Sections 294(b), 323, 324 and 307 of I.P.C. on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 07.04.2021, at about 9.30 p.m., the petitioners herein and other accused said to have assaulted the defacto complainant with hands and caused injuries. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and a false case has been foisted



against them. He would further submit that the petitioners are not having any previous case and they are in custody from 07.04.2021 onwards, hence they may be granted bail.

4. The learned Government Advocate(Crl.Side) would submit that the petitioners herein are arrayed as A1 and A2. He would further submit that the injured was also discharged from the hospital and that there is no previous case against the petitioners.

5.Considering the facts and circumstances of the case and considering the facts that the petitioner is in judicial custody from 27.04.2021, that the injured was discharged from the hospital, that except the offence under Section 307 I.P.C., all other offences are bailable and that the petitioner has no previous case and also considering the urgent need and necessity to ensure social distancing and thereby, to reduce the scope of infection, it is essential for the prisons or de-congested as much as possible. Keeping this in view, this Court is inclined to release the petitioner on bail with the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail immediately on executing their own bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) before the concerned jail authority. The petitioners, after their release, shall surrender before the concerned 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) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thiruchuli, Virudhunagar 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 petitioners shall report before the respondent police weekly twice., ie., on every Monday and Friday at 10.30 a.m for a period of thirty days.

iii)the petitioners shall not tamper with evidence or witness.

iv) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
26/05/2021

/ TRUE COPY /

/ /2021

WEB COPY

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,
THIRUCHULI, VIRUDHUNAGAR DISTRICT.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVLLIPUTHUR.
- 3.THE SUPERINTENDENT,
MADURAI CENTRAL PRISON, MADURAI.
- 4.THE SUB INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6976 of 2021
Date :26/05/2021

LS
AE/AKM/SAR-III/26.05.2021/3P/6C