



WEB COPY

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.6998 of 2021

Karuppaiah

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
Seithur Police Station,
Virudhunagar District.
Crime No. 111 of 2021

... Respondent/Complainant

For Petitioner : Mr.Rajaboopathy D,
Advocate.

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

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

PRAYER :-

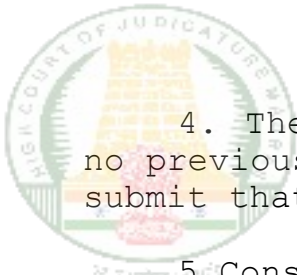
For Bail in Crime No.111 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested and remanded to judicial custody on 22.04.2021 for the offences punishable under Sections Man Missing @ Sections 294(b), 435, 354 and 506(ii) of IPC on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to civil dispute between the petitioner and the defacto complainant, the petitioner said to have abused the defacto complainant and her son with filthy language and also poured petrol on the car and fired it and threatened them with dire consequences. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated as an accused in this case. He would also submit that petitioner is in judicial custody from 22.04.2021 onwards, hence he seeks bail.



4. The learned Government Advocate(Crl.Side) would submit that no previous case is pending against the petitioner. He would further submit that no one sustained injury in the alleged occurrence.

5.Considering the rival submission made by both parties that there was civil dispute between the parties and no one sustained injury and also considering the period of incarceration and no previous case is pending against the petitioner and also considering the urgent need and necessity to ensure social distancing and thereby, to reduce the scope of infection, it is essential that the prisons are de-congested as much as possible. Keeping this in view, this Court is inclined to release the petitioner on bail, subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail on executing his own bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) before the concerned jail authority. The petitioner, after his release, shall surrender before the learned 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 Judicial Magistrate, Rajapalayam.

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 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/-

26/05/2021

/ 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, RAJAPALAYAM.
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 3. THE INSPECTOR OF POLICE,
SEITHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
 5. THE OFFICER INCHARGE,
SUB JAIL,
PERIYAKULAM, THENI.
- + 1 CC TO Mr.RAJABOOPATHY D, ADVOCATE IN SR No. 3726

ORDER
IN
CRL OP(MD) No.6998 of 2021
Date :26/05/2021

LS
TE/PN/SAR-III : 26/05/2021 : 3P/7C