



WEB COPY

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

Date : 27/05/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7047 of 2021

Muthaiah

... Petitioner/Accused No.5

Vs

State rep.by
The Inspector of Police,
Amathur Police Station,
Virudhunagar District.
Crime No.71 of 2021..

... Respondent/Complainant

For Petitioner : Mr.S.Saravanakumar,
Advocate.

For Respondent : Mr.S.Ravi,
Additional Public Prosecutor

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

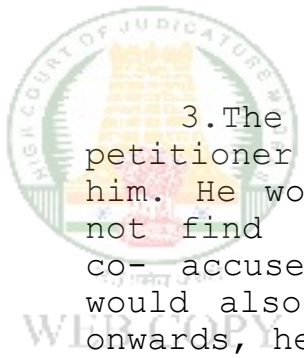
PRAYER :-

For Bail in the Crime No.71 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who was arrested and remanded to judicial custody on 06.05.2021 for the offence punishable under Sections 109,147,148,294(b),427, 435, 436,448 and 506(ii) of IPC on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity on the date of occurrence when the defacto complainant and his wife are studying in front of the house at the instigation of A11, the petitioner along with other accused went to the house of the defacto complainant with deadly weapons, caused damage to the household articles, three two wheeler and one TATA Ace Vehicle. Hence the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent and a false case has been foisted against him. He would further submit that the name of the petitioner does not find place in the First Information Report and some of the co-accused were granted anticipatory by the Sessions Court. He would also submit that the petitioner is in jail from 06.05.2021 onwards, hence he may be granted bail.

4. The learned Additional Public Prosecutor would submit that totally there are 15 accused and the petitioner herein is arrayed as A5 in this case. He would further submit that some of the co-accused in this case were granted anticipatory bail by the Sessions Court.

5. Considering the fact the petitioner is in judicial custody from 06.05.2021 and also the fact that some of the co-accused were granted anticipatory bail by the Sessions Court 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 immediately 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 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) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Virudhunagar.

i) the petitioner is directed to deposit a sum of **Rs.25,000/- (Rupees Twenty Five thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB**, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), before executing sureties without prejudice to his rights and contentions before the trial Court.

ii) 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

iii) the petitioner shall report before the respondent police on every Monday and Friday at 10.30 a.m for a period of thirty days.

iv) the petitioner shall not tamper with evidence or witness.



v) the petitioner shall not abscond during trial.

vi) 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].

vii) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

27/05/2021

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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 JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.

2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3.THE OFFICER INCHARGE, DISTRICT PRISON, VIRUDHUNAGAR.

4.THE INSPECTOR OF POLICE,
AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

COPY TO: THE OFFICER INCHARGE,
THE CHIEF MINISTER PUBLIC RELIEF FUND,
GOVERNMENT OF TAMILNADU,
SECRETARIAT, CHENNAI -9.

ORDER IN

CRL OP(MD) No.7047 of 2021

Date :27/05/2021

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<https://hccs.certh.org/Service/GetDocument/27.05.2021/3P/7C>