



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

Date : 30/07/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) No.10229 of 2021

Mariappan

... Petitioner/Accused No.A1

Vs

The State rep. by
The Inspector of Police,
North Police Station,
Thoothukudi
Crime No. 321/2021.

... Respondent/Complainant

For Petitioner : Mr.Vishnuvardhan.S,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

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

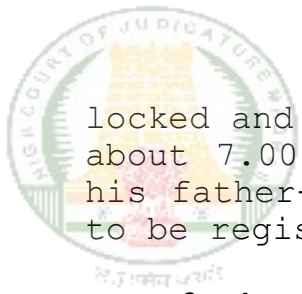
PRAYER :-

For Bail in Crime No. 321/2021 on the file of the respondent Police

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 18.06.2021 for the offences punishable under Sections 294(b), 307 and 506(ii) of IPC in Crime No.321 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the defacto complainant father-in-law has four daughters and two sons. Childrens are living with mother-in-law and his father-in-law was living separately in Sundaravelpuram. On 18.06.2021 the defacto complainant brother-in-law visited home at 2.00 pm. The compound wall of his father-in-law house was locked from inside, therefore he had to wait for 45 minutes. When his father -in-law asked why the compound gate was



locked and his son has to wait for 45 minutes, when he came. Then at about 7.00 30 pm., it was informed that the accused had attacked his father-in-law with aruval on his neck. Therefore this case came to be registered.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 18.06.22021, hence he seeks bail.

4. The learned Additional Public Prosecutor appearing for the respondent opposed the bail petition on the ground that the investigation is not yet completed. He would further submit that the injured has been discharged from the hospital.

5. This incident had happened because of locking the compound wall gate from inside making the defacto complainant brother-in-law to wait for 45 minutes.

6. Taking note of the fact and circumstances of the case and also the fact that the injured has been discharged from the hospital and the fact that the petitioner is in judicial custody from 18.06.2021, this Court is inclined to grant bail to the petitioner

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 Judicial Magistrate No.III, Thoothukudi and on further condition that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 am., until further orders.

[c] the petitioner shall not abscond either during investigation or trial.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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]**.



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
30/07/2021

WEB COPY

/ 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 NO.III,
THOOTHUKUDI
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
NORTH POLICE STATION,
THOOTHUKUDI.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10229 of 2021
Date :30/07/2021

AAV
SRS/JC/SAR-I/30.07.2021/3P/6C