



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD).Nos.10235 and 10239 of 2021

K.Vasanthakumar, ... Petitioner/Accused No.1 (in both Petitions)

Vs

The Inspector of Police,
Srirangam Police Station,
Trichy District.

(Crime No. 543 & 402 of 2021). ... Respondent/Complainant
(in both Petitions)

For Petitioner : M/s.Jameel Arasu B,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Bail in Crime No. 543 & 402 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner in both the petitions are one and the same.

2. On 13.04.221, at about 9.30 p.m., when the defacto complainant, namely, Rajeshkanna and his friend were standing near a Tasmac shop, the petitioner along with others came out of the Tasmac shop and teased the defacto complainant by asking his address, due to which, there was a wordy quarrel between them and consequent to that, the petitioner attacked the defacto complainant and caused damage to his vehicle and also attacked his friend with a knife. Based on the complaint, a case in Cr.No.402 of 2021 has been registered for the offences punishable under Sections 294(b), 324, 497 and 506 of IPC.

<https://hcservices.mca.gov.in/cservices>



3. Thereafter, on 28.06.2021, another complaint has been lodged by one Mariappan as against the petitioner that on 27.06.2021, at about 8.00 p.m, when he was at his home, the petitioner and others came in front of his house, abused him in filthy language, caused damage to the head-light of the motor cycle and also threatened him by showing arruval. Based on the said complaint, another case has been registered against the petitioner in Cr.No.543 of 2021 for the offence punishable under Sections 294 (b), 427 and 506(ii) of IPC.

4.The learned counsel for the petitioner submitted that in both these cases, the petitioner has voluntarily surrendered. Since the petitioner is in jail from 30.06.2021, he seeks bail. The petitioner is prepared to abide by any condition imposed by this Court. The learned counsel further submitted that he also advised the petitioner not to indulge in any such offence. The petitioner is ready to file an undertaking affidavit before the concerned Judicial Magistrate as well as before the concerned Police Station that he will not indulge in any such offence in future.

5. The learned Government Advocate(Crl.Side) appearing for the respondent opposed for grant of bail on the ground that the petitioner is having four previous cases.

6. Considering the nature of allegations levelled against the petitioner, the period of incarceration, the fact that the petitioner has voluntarily surrendered and he is ready to file an undertaking affidavit before the concerned Magistrate as well as before the concerned Police Station, this Court is inclined to grant bail to the petitioner.

7. Accordingly, both the petitions are ordered. The petitioner is directed to be released on bail in both the cases, 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 District Munsif cum Judicial Magistrate, Srirangam, Trichy District and on further conditions 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 file an undertaking affidavit in Tamil that he will not indulge in any other offence in future, before the concerned Judicial Magistrate as well as before the concerned Police Station. On filing the undertaking affidavit, the concerned Judicial Magistrate shall accept the sureties. The undertaking affidavit should be attested by the concerned Superintendent of Jail authority.



[c] the petitioner shall report before the Ariyalur Police Station daily at 10.30 a.m. until further orders.

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

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

[f] 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]**.

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

sd/-
12/08/2021

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/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY

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,
Srirangam, Trichy District.
2. Do-Through The Chief Judicial Magistrate,
Trichy District.
3. The Superintendent, Central Prison, Trichy.



4. The Inspector of Police,
Srirangam Police Station, Trichy District.
5. The The Inspector of Police, Ariyalur Police Station,
Ariyalur.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

COMMON ORDER IN
CRL OP(MD).Nos.10235 and
10239 of 2021
Date : 12/08/2021

TR/VR/SAR-II(12.08.2021) 4P 7C