



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/08/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.11220 of 2021

Mookkandi

... Petitioner/Accused

Vs

The State rep.by,
The Sub Inspector of Police,
Seithunganallur Police Station,
Thoothukudi District.

... Respondent

For Petitioner : Mr.R.M.SURESH,
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.152 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested on 15.07.2021 for the offences punishable under Sections 294(b), 387, 307 and 506(ii) IPC in Crime No.152 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 14.07.2021 at about 8.00 p.m, when the defacto complainant and his son were returning home after work, the petitioner demanded Rs.2,000/- from the defacto complainant. When the same was refused by the defacto complainant, the petitioner took a knife and attempted to attack the defacto complainant. 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.

4. The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the petitioner is having three previous cases. However, no one has been injured in this case.



5. Considering the nature of allegation levelled against the petitioner, the period of incarceration and the fact that no one has been injured in this case, this Court is inclined to grant bail to the petitioner.

6. 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, Srivaikundam 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 stay at Ariyalur and report before the Ariyalur Police Station daily at 10.30 a.m. 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/-
12/08/2021

/ 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,
SRIVAİKUNDAM.

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON,
PERAVURANI,
THOOTHUKUDI DISTRICT.

4 THE SUB INSPECTOR OF POLICE
SEITHUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT.

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

6 THE INSPECTOR OF POLICE,
ARIYALUR POLICE STATION,
ARIYALUR.

ORDER

IN

CRL OP(MD) No.11220 of 2021

Date :12/08/2021

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MK/VR/SAR.II/12.08.2021/3P/7C