



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/08/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12086 of 2021

Iyyamperumal

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Kanyakumari Police Station
Kanyakumari District
Crime No.392 of 2021

... Respondent/Complainant

For Petitioner : Mr.B.MICHEAL SEBSTIN,
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.392 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 29.07.2021, for the offences punishable under Sections 294 (b), 324, 307 and 506(ii) I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.392 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 29.07.2021 at about 01.25 a.m, while the petitioner was sleeping in his room, he heard a murmuring sound in the next room. When he opened the door, he had witnessed his wife in compromising position with one Selvan. Therefore, the petitioner scolded them in filthy language and also caused injuries. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is in jail from 29.07.2021 and hence, he may be granted bail.



4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the final report is yet to be filed.

5. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. Accordingly, this Criminal Original Petition is ordered. 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.I, Nagercoil at Kanyakumari 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 report before the respondent police as and when required for interrogation.

[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/-

24/08/2021

/ 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 NO.I
NAGERCOIL AT KANYAKUMARI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE OFFICER INCHARGE
SUB JAIL, NAGERCOIL AT KANYAKUMARI DISTRICT.
4. THE INSPECTOR OF POLICE,
KANYAKUMARI POLICE STATION
KANYAKUMARI DISTRICT
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

**ORDER
IN**

CRL OP(MD) No.12086 of 2021
Date : 24/08/2021

SA/JM/SAR.3/24.08.2021/3P/6C