



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 15/09/2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13107 of 2021

Ukkirapandi

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
(Crime No.183 of 2021)

... Respondent/Complainant

For Petitioner : Mr.V.Karthirvelu,
Senior Counsel
For Mr.R.Venkateswaran, 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.183 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 16.08.2021, for the offence punishable under Sections 341, 294(b), 307 and 506(ii) I.P.C and Section 25(1) (A) of the Arms Act, 1959, in Crime No.183 of 2021 on the file of the respondent police, seeks bail.

2. The occurrence has taken place on 16.08.2021. The petitioner has sold the bulls to the defacto complainant, but, the defacto complainant failed to pay money for the same to the petitioner. While the petitioner demanded money, there was a clash between the petitioner and the defacto complainant. Hence, the complaint.

3.Mr.V.Karthirvelu, learned Senior Counsel appearing for the petitioner would submit that the petitioner is having four previous cases, viz., Crime No.1 of 2005 is registered for the offence under Section 306 I.P.C in the year 2005, Crime No.22 of 2009 was registered for the offence under Sections 294(b), 323, 324 and 506 (ii) I.P.C, in the year 2009. The other two cases were registered in the year 2020, in which, Crime No.55 of 2020 was registered for the offence under Section 4(1) (A) TNP Act. He would further submit that



the petitioner is an innocent, he has not committed any offence as alleged by the prosecution, he is in judicial custody from 16.08.2021 and hence, he seeks for grant of bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that it is true that the defacto complainant has purchased the bulls from the petitioner and failed to pay the money. When the same was questioned by the petitioner, the incident had taken place. He would further submit that the investigation is yet to be completed.

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

6. Accordingly, this Criminal Original Petition is allowed and 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 District Munsif Cum Judicial Magistrate, Kadaladi 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 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/-
15/09/2021

/ 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.

WEB COPY

TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KADALADI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 - 3 THE INSPECTOR OF POLICE
KADALADI POLICE STATION, RAMANATHAPURAM DISTRICT.
 - 4 THE SUPERINTENDENT,
DISTRICT CENTRAL PRISON, RAMANATHAPURAM.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to MR.R.VENKATESWARAN, Advocate (SR-6237[I] dated 15/09/2021)

ORDER
IN
CRL OP(MD) No.13107 of 2021
Date :15/09/2021

MSA
MK/PN/SAR.III/15.09.2021/3P/7C