



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13702 of 2021

Santhanam

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Srivaikundam Police Station,
Thoothukudi.

In Crime No.221 of 2021.

... Respondent/Complainant

For Petitioner : Mr.G.Radhakrishnan,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.221 of 2021 on the file of the respondent police.

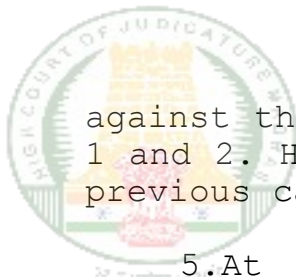
ORDER : The Court made the following order :-

The petitioner/A3, who was arrested on 28.07.2021 for the offence under Sections 294(b), 324, 307, 506(ii), 353 and 212 I.P.C, in Crime.No.221 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that while the defacto complainant, who is the Village Administrative Officer was inspecting the land occupied by the first accused, accused nos.1 and 2 abused him in filthy language and also assaulted him. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner's name was not found in the FIR. Since accused nos.1 and 2 are relatives of this petitioner, the respondent police added this petitioner as accused no.3. He further submits that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution, he is inside the prison from 28.07.2021 and hence, he prays for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the specific overt act as



against this petitioner is that he has given asylum to accused nos. 1 and 2. He would further submit that the petitioner is having four previous cases to his credit.

5. At this juncture, the learned counsel for the petitioner submits that the petitioner will not indulge in any such offences in future. He is also ready to file an undertaking affidavit before the respondent police as well as before the trial Court to that effect.

6. Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner, his readiness to file an affidavit of undertaking and the period of incarceration, this Court is inclined to grant bail to the petitioner.

7. 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Srivaikundam, Tuticorin 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall file an undertaking affidavit before the respondent police as well as before the trial Court that he will not indulge in any other offences in future.

[c] the petitioner shall appear before the respondent police daily twice ie. at 10.30 am. and 5.30 p.m until further orders.

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

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

[f] On breach of any of the aforesaid conditions, the learned Judge/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 Judge/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 229-A IPC.

sd/-
20/09/2021

/ 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.

TO

- 1 THE JUDICIAL MAGISTRATE,
SRIVAICKUNDAM, TUTICORIN DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE
SRIVAICKUNDAM POLICE STATION, THOOTHUKUDI.
- 4 THE SUPERINTENDENT,
CENTRAL JAIL, PALAYANKOTTAI, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13702 of 2021
Date :20/09/2021

MK/PN/SAR.II/20.09.2021/3P/6C