



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

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13565 of 2021

Esakkimuthu

.... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
Munneerpallam Police Station
Tirunelveli District
(Crime No.372 of 2021).

... Respondent/Complainant

For Petitioner : Mr.K.SUYAMBULINGA BHARATHI
Advocate.

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

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

PRAYER :-

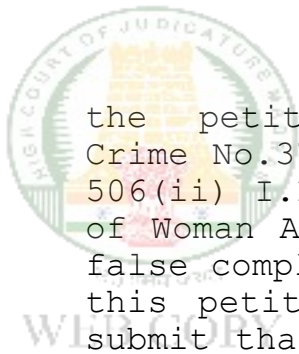
For Bail in Crime No.372 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who was arrested on 05.09.2021, for the offence punishable under Sections 294(b), 324, 307 and 506(ii) I.P.C, in Crime No.372 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that on 05.09.2021, when the petitioner and the defacto complainant consumed liquor, the petitioner has taken a liquor bottle of the defacto complainant. Due to which, there was a wordy quarrel between themselves and the petitioner assaulted the defacto complainant with aruval and caused injuries on his hands. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the defacto complainant is a drunkard. He used to consume alcohol in a public place and pick up quarrel with elders as well as women in the village in a drunken manner. On the date of occurrence, the defacto complainant in a drunken mood, picked up quarrel with the petitioner's mother, scolded her in filthy language and also attacked her and thereby caused injuries to the three persons of



the petitioner's family. Therefore, a case has been registered in Crime No.373 of 2021 for the offence under Sections 294(b), 427 and 506(ii) I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 2002. In order to escape from the clutches of law, a false complaint has been given by the defacto complainant as against this petitioner without even any iota of truth. He would further submit that the petitioner is an innocent and he has not committed any offence as alleged by the petitioner. He is inside the prison from 05.09.2021 and hence, he seeks for grant of bail.

4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that the victim has been discharged from the hospital on 13.08.2021 and the investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioner, the fact that the injured has been discharged from the hospital and also 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 Judicial Magistrate No.V, Tirunelveli, 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.

[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/-
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.

TO

1. THE JUDICIAL MAGISTRATE NO.V
TIRUNELVELI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI.
4. THE INSPECTOR OF POLICE,
MUNNEERPALLAM POLICE STATION
TIRUNELVELI DISTRICT
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.13565 of 2021

Date :15/09/2021

SA/VR/SAR.3/15.09.2021/3P/6C