



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/09/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.14173 of 2021

Raja

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police
Sivakasi East Police Station
Virudhunagar District
Crime No.314 of 2021

... Respondent/Complainant

For Petitioner : Mr.R.RAJAMOHAN,
Advocate.

For Respondent : Mr.A.THIRUVADI KUMAR
Additional Public Prosecutor(crl.side)

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

PRAYER :-

For Bail in Crime No.314 of 2021 on the file of the Respondent police.

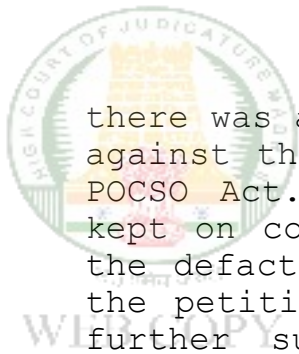
ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 24.08.2021 for the offences under Sections 294(b) and 307 of IPC in Crime.No.314 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the defacto complainant's son tortured and harassed the petitioner's minor sister and the same was objected to by the petitioner, due to which, a wordy quarrel arose between them and hence, the petitioner assaulted the defacto complainant with knife on his left side hip.

3. The learned counsel appearing for the petitioner submits 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 judicial custody from 24.08.2021 and hence, he seeks for grant of bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the defacto complainant's son misbehaved with the sister of the petitioner, consequent to it,



there was an earlier incident, for which, a case has been registered against the defacto complainant's son in Cr.No.6 of 2021 under the POCSO Act. Even thereafter, since the defacto complainant's son kept on committing the offence, the petitioner attempted to attack the defacto complainant's son with knife but he escaped and hence, the petitioner stabbed the defacto complainant's husband. He would further submit that the injured has been discharged from the hospital and the investigation is yet to be completed.

5.Considering the facts and circumstances of the case, the nature of allegation levelled as against the petitioner, the earlier incidents the fact that the injured was 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Sivakasi, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall appear before the respondent police as and when required for interrogation.

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

[d] the petitioner shall not abscond 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 229-A IPC.

sd/-

24/09/2021

/ 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.II
SIVAKASI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE OFFICER INCHARGE,
SUB JAIL, VIRUDHUNAGAR.
4. THE INSPECTOR OF POLICE
SIVAKASI EAST POLICE STATION
VIRUDHUNAGAR DISTRICT
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.14173 of 2021

Date : 24/09/2021

SA/PN/SAR.2/24.09.2021/3P/6C