



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 08/10/2021  
PRESENT

**The Hon`ble Mr.Justice B.PUGALENDHI**

CRL.O.P (MD) . No.15019 of 2021

Mathan

... Petitioner/Accused No.5

**Vs**

The State rep.by  
The Inspector of Police,  
Mandaicadu Police Station,  
Kanyakumari District  
(Crime No.76 of 2021).

... Respondent/Complainant

For Petitioner : Mr.D.SRINIVASARAGAVAN,  
Advocate.

For Respondent : Mr.A.THIRUVADI KUMAR,  
Additional Public Prosecutor

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

**PRAYER :-**

For Bail in Crime No.76 of 2021 on the file of the respondent police.

**ORDER :** The Court made the following order :-

The petitioner/A5, who was arrested on 27.08.2021, for the offence punishable under Sections 147, 148, 294(b), 307, 323, 324 and 506(ii) IPC, in Crime No.76 of 2021 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that, on 21.08.2021 at about 11.30 hours, one Ajith, who is the friend of the accused persons was arrested by the respondent police for the illicit sale of ganja. The accused persons suspected the defacto complainant that he was the informer to the police and in order to retaliate, they had brutally attacked the defacto complainant with deadly weapons and abused him in filthy language and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner submits that he has nothing to do with the above said alleged offence. The only overt act as against the petitioner in the FIR is that he manhandled and pushed down the defacto complainant. The injured was discharged



4. The learned Additional Public Prosecutor would submit that the investigation is yet to be completed and there is no adverse antecedent as against the petitioner.

5.Considering the nature of occurrence, this Court has already dismissed the earlier bail application filed by the petitioner in CrI.OP(MD)No.13393 of 2021 on 13.09.2021. This is the second bail application. Though this Court has already directed the respondent police to file a report as to the nature of earlier complaint, they have not filed any such report so far.

6. The petitioner is languishing in jail from 27.08.2021 and the overt act as against the petitioner is that he pushed the victim during the course of occurrence and he has not involved in any other offence.

7. Considering the facts and circumstances of the case, the overt act attributed as against the petitioner, the fact that the petitioner has not involved in any other offence and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

8. Accordingly, the Criminal Original Petition is ordered. The petitioner is directed 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, Eraniel 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 appear before the respondent police daily twice ie., at 10.30 a.m & 5.30 p.m. until further orders.

[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 is released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble



[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

08/10/2021

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/ /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, ERANIEL.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
KANNIYAKUMARI DISTRICT AT NAGERCOIL.
- 3.THE SUPERINTENDENT  
CENTRAL PRISON, PALAYAMKOTTAI.
- 4.THE INSPECTOR OF POLICE,  
MANDAICADU POLICE STATION,  
KANYAKUMARI DISTRICT
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1. CC to Mr.DSRINVASARAGAVAN, Advocate SR.No.7094

**ORDER**

**IN**

CRL OP(MD) No.15019 of 2021  
Date :08/10/2021

SA/SKN/SAR.4/08.10.2021/3P/7C