



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 27/10/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15032 of 2021

Sudalai Muthu ... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Tirunelveli Taluk Police Station, Tirunelveli District.
Crime No.320 of 2021. ... Respondent/Complainant

For Petitioner : Mr.P.M.Vishnuvarthanan,
Advocate.

For Respondent : Mr.T.Senhil Kumar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.320 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

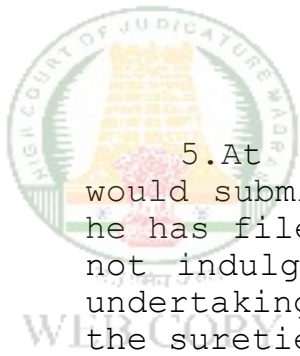
The petitioner/A2, who was arrested on 25.09.2021 for the offence under Sections 294(b), 307 and 506(ii) I.P.C, in Crime No.320 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 25.09.2021, the petitioner and the first accused had their lunch in the defacto complainant's hotel and they left the hotel, without paying the money for the lunch. When the same was questioned by the defacto complainant, the accused persons openly threatened the defacto complainant that they are rowdy elements in the locality and also attempted to murder him with aruval. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not indulged in any kind of offence as alleged by the prosecution. He is inside the prison from 25.09.2021 and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police opposed for grant of bail on the ground that apart from this case, the petitioner has involved in eight other cases and

<https://hdsres.in/cases/15032>



5. At this juncture, the learned counsel for the petitioner would submit that the petitioner has realised his mistake, for that he has filed an undertaking affidavit before this Court that he will not indulge in any other offence in future. He has also filed an undertaking affidavit to that effect and also undertook to furnish the sureties of respectable persons in their locality.

6. Considering the facts and circumstances of the case, the nature of offence, the undertaking affidavit of the petitioner and also the period of incarceration, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

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.1,00,000/- (Rupees one lakh only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.III, Tirunelveli and on further conditions that:

[a] the persons who are giving sureties should be respectable persons in their locality, either Government Servants or elected people representatives or the persons who are having permanent business establishments and the sureties shall file an affidavit by ensuring that the petitioner will not indulge in any other offence in future and he will be available for the entire trial;

[b] 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;

[c] The petitioner shall not misuse the liberty granted to the petitioner by this Court and if the petitioner involves in any further offence, the respondent police shall inform the same to the concerned Court. The concerned Court shall impound the sureties amount;

[d] the petitioner shall report before the respondent police daily at 10.30 a.m until further order.

[e] 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 offence in future;

[f] the petitioner shall not abscond during the trial;

[g] the petitioner shall not tamper with the evidence or witness during trial;

[h] On breach of any of the aforesaid conditions, the learned Magistrate/Judicial Magistrate No.III, Tirunelveli 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]**.

[i] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-

27/10/2021

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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 COURT NO.III,
TIRUNELVELI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE OFFICER INCHARGE,
SUB JAIL, AMBASAMUDRAM.
- 4 THE INSPECTOR OF POLICE
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.P.M.VISHNUVARTHANAN, Advocate (SR-7471[I] dated 27/10/2021)

ORDER

IN

CRL OP(MD) No.15032 of 2021

Date :27/10/2021

PNM/MSA

MK/SKN/SAR.II/27.10.2021/3P/7C