



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

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15496 of 2021

Chellappa

... Petitioner/Sole Accused No.1

Vs

The State rep.by
The Inspector of Police,
Manur Police Station,
Tirunelveli District.
Crime No.403 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.SUNDARAPANDIAN,
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.403 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested on 24.09.2021, for the offence punishable under Sections 341, 294(b), 307 and 506(ii) IPC, in Crime No.403 of 2021 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that due to previous enmity, the petitioner and another person made an attempt to attack the defacto complainant with an intention to kill him, but the defacto complainant has narrow escape in the occurrence. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that a false case has been foisted as against the petitioner. The petitioner is aged about 68 years and he has nothing to do the offence, as alleged by the prosecution. The petitioner is in judicial custody from 24.09.2021 and hence, he seeks for grant of bail.



4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner is having five previous cases to his credit and the investigation in this case is yet to be completed. He would further submit that no one has sustained injury in this case.

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5.The learned counsel for the petitioner, in response, submitted that the petitioner will file an undertaking affidavit before the respondent police as well as before the trial Court that he would not indulge in any other offence in future 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 fact that no one has sustained injury, his readiness to file an undertaking affidavit 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.V, Tirunelveli District 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/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions were breached 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/-

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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,
MANUR POLICE STATION,
TIRUNELVELI DISTRICT.
- 5.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.15496 of 2021

Date :08/10/2021

SA/JM/SAR.4/08.10.2021/3P/6C