



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07/10/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15348 of 2021

Basker ... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
In Crime No.354 of 2021. ... Respondent/Complainant

For Petitioner : Mr.C.Susi Kumar,
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.354 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 25.09.2021 for the offence punishable under Sections 448, 294(b), 352, 307 & 506 (ii) I.P.C. in Crime No.354 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity, on 22.09.2021, the petitioner trespassed into the house of the defacto complainant, abused him in filthy language and also attempted to assault him with weapon. Hence, the complaint.

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. Even as per prosecution, no one sustained injury. The petitioner is inside the jail from 25.09.2021 and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor would submit that the investigation is yet to be completed. He would further submit that the petitioner has involved in yet another offence and no one has sustained injury in this case.



5.The learned counsel for the petitioner, in response, submits that the petitioner will not indulge in any such offence in future. He is also ready to file an undertaking affidavit before the respondent police as well as before the trial Court to that effect.

6.Considering the facts and circumstances of the case, the fact that no one has sustained injury, the nature of allegation levelled against the petitioner, his readiness to file an undertaking affidavit and also the period of incarceration, this Court is inclined to grant bail to the petitioner.

7. Accordingly, this 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 ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Radhapuram, Tirunelveli District 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 file an undertaking affidavit in Tamil that he will not indulge in any such offence in future, before the concerned Judicial Magistrate as well as before the concerned Police Station. On filing the undertaking affidavit, the concerned Judicial Magistrate shall accept the sureties.

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

[d]the petitioner shall not abscond either during investigation or trial.

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

[f]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]**.

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

sd/-
07/10/2021

/ 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,
RADHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
- 4 THE INSPECTOR OF POLICE
KODANKULAM POLICE STATION, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15348 of 2021
Date : 07/10/2021

PNM/MSA
MK/SKN/SAR.III/07.10.2021/3P/6C