



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 07.10.2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15360 of 2021

Mariappan @ Marikutty

... Petitioner/Sole Accused

Vs

The State rep.by,
The Sub Inspector of Police,
Ambasamudram Police Station,
Tirunelveli District,
In Crime No.406 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.Sathiyachidambaram
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.406 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested on 24.09.2021 for the offence under Sections 341, 294(b), 387, 307 and 506(ii) I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act, 1988, in Crime No.406 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 24.09.2021, the petitioner waylaid the defacto complainant and demanded a sum of Rs.100/- for purchasing a liquor, when the same was refused by the defacto complainant, the petitioner extorted a sum of Rs.100/- by showing a deadly weapon and also assaulted him. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution, but a false case is foisted as against him. He would further submit that the petitioner is inside the prison 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 apart from this case, the petitioner is having three previous cases and the investigation in this case is yet to be completed. He would further submit that the victim has sustained simple injury.

5.The learned counsel for the petitioner, in response, submits that the petitioner is ready to 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.

6.Taking into consideration of the facts and circumstances of the case, the fact that the victim has sustained simple 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, 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, Ambasamudram, Tirunelveli District and on further conditions that:

[a] the surety shall affix his photograph and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhaar card or bank pass book to ensure his identity;

[b] if the petitioner involves in any further offence, action shall be taken as against the sureties and the sureties amount shall be impounded.

[c] 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.

[d]the petitioner shall appear before the respondent police daily at 10.30 a.m until further orders;

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

[f] the petitioner shall not abscond either during investigation or trial;

[g] 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]**;



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

sd/-
07/10/2021

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

ORDER
IN
CRL OP(MD) No.15360 of 2021
Date :07/10/2021

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