



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/10/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15705 of 2021

Paramasivam ... Petitioner/Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Kalidaikurichi Police Station,
Tirunelveli District.
(Crime No.504 of 2021) ... Respondent/Complainant

For Petitioner : Mr.R.Alagumani
Advocate.
For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.504 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 22.09.2021, for the offence punishable under Sections 294(b), 324, 307, 506(ii) of IPC and Section 4 of the Tamilnadu Prohibition of Harassment of Woman Act, in Crime No.504 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous motive, the petitioner abused the defacto complainant and his wife in filthy language and also attacked him. Therefore, the present case came to be registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He further submitted that Mr.Samuthirakani, who is the president of the Moolachi Village is ready to file an undertaking affidavit before the respondent police as well as the trial Court that the petitioner will not indulge any offence in future. He would further submit that the petitioner has been suffering incarceration from 22.09.2021 and prays for grant of bail



4.The learned Additional Public Prosecutor appearing for the respondent police opposed to grant bail to the petitioner on the ground that the petitioner is having seven previous cases to his credit.

5.The learned counsel for the petitioner would submit that the previous cases are of the year 2013 and thereafter, the petitioner has not involved in any other offence and also submitted that in none of the case, he has been found guilty by any other Court.

6.Considering the facts and circumstances of the case, his readiness to file an undertaking affidavit and 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, Ambasamuthiram, 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,

[b]the sureties shall affix their photographs and left thumb impression in the surety bond and the Judge 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 is involved 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 orders.

[e] The said Samuthirakani shall file a undertaking affidavit before the respondent police as well as the trial Court that the petitioner will not indulge any 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 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
22/10/2021

/ 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,
AMBASAMUTHIRAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KALIDAIKURICHI POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE OFFICER INCHARGE,
SUB JAIL, SRIVAIAKUNDAM.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.15705 of 2021
Date :22/10/2021

TTA
MK/VR/SAR.III/22.10.2021/3P/6C