



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 08/10/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15467 of 2021

VIVEK @ VEERAPUTHIRAN

... PETITIONER/SOLE ACCUSED

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
VEERAVANALLUR POLICE STATION,
TIRUNELVELI DISTRICT
(CRIME NO. 414 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.M.Prabu, 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.414 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 20.09.2021 for the offence under Sections 341, 294(b), 307 and 506(ii) I.P.C., in Crime No.414 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 20.09.2021, the petitioner abused the defacto complainant and also attempted to assault him with weapon. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He is inside the prison from 20.09.2021 and the bail petition filed in Cr.M.P.No.6123 of 2021 was dismissed by the learned Principal Sessions Judge, Tirunelveli on 29.09.2021 and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police seeks time to get instruction.



5. On a perusal of the dismissal order passed by the learned Sessions Judge, it is seen that apart from this case, the petitioner is having three previous cases and no one has sustained injury in this case.

6. Considering the antecedents of the petitioner, when this Court was inclined to dismiss the bail application, the learned counsel for the petitioner 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.

7. Considering the facts and circumstances of the case, the nature of allegation levelled as against the petitioner, the fact that no one 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.

8. 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 only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Cheranmahadevi 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 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 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 twice ie. at 10.30 a.m and 05.30 p.m until further orders;

[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 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/-

08/10/2021

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

ORDER IN

CRL OP(MD) No.15467 of 2021

Date :08/10/2021

USK/JM/SAR-IV/ (08.10.2021) 3P-6C

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