



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12/10/2021
PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15985 of 2021

Kishorkumar

...Petitioner/Accused No.5

Vs

The State rep.by,
The Inspector of Police,
Pamban Police Station,
Pamban, Ramanathapuram District.
(Crime No.244 of 2021)

... Respondent/Complainant

For Petitioner : Mr.K.Gokul, Advocate.

For Respondent : Mr.Muthu Manickam

Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.244 of 2021 on the file of the respondent police.

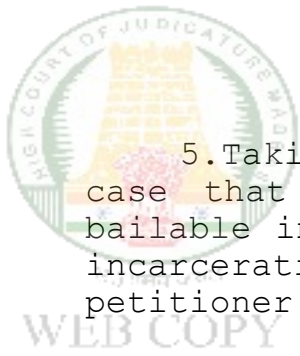
ORDER : The Court made the following order :-

The petitioner/5th accused, who was arrested on 26.09.2021 in connection with Cr.No.244 of 2021, for the offences punishable under Sections 147, 148, 341, 294(b), 323, 427 and 506(ii) of IPC r/w 4 of Tamilnadu Prohibition of Women Harassment Act and Section 25(1) of the Indian Arms Act, seeks bail.

2.The case of the prosecution is that on the date of alleged occurrence, the petitioner and others, trespassing into the de-facto complainant's house, abused, threatened and assaulted the de-facto complainant and his family members and damaged their house articles. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He would also submit that it is a case in counter and the petitioner is in jail from 26.09.2021 and hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that one previous case is pending against



5. Taking into consideration the facts and circumstances of the case that except Section 506(ii) I.P.C, all other offences are bailable in nature and also taking into consideration the period of incarceration, this Court is inclined to grant bail to the petitioner.

6. 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.25,000/- (Rupees twenty five thousand only) with two sureties each for a like sum to the satisfaction of the learned District Munsif-cum-Judicial Magistrate, Rameshwaram, and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judge may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall appear before the respondent police daily at 10.30 a.m for a period of 30 days and thereafter, as and when required for interrogation.

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

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

[e] On breach of any of the aforesaid conditions, the learned Judge/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]**.

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

sd/-
12/10/2021

/ 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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
RAMESWARAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE
PAMBAN POLICE STATION, PAMBAN,
RAMANATHAPURAM DISTRICT.

4 THE OFFICER INCHARGE,
SUB JAIL, RAMANATHAPURAM.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.15985 of 2021

Date :12/10/2021

CMR/MM

MK/PN/SAR.II/12.10.2021/3P/6C