



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/11/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16984 of 2021

V.MATHANRAJ

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
(Cr.No.838 of 2021).

... Respondent/Complainant

For Petitioner : Mr.G.RADHAKRISHNAN
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.838 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 23.09.2021, for the offence punishable under Sections 341, 294(b), 323, and 506(ii) of IPC @ under Sections 341, 294(b), 323, 506(ii) and 307 of IPC, in Crime No.838 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity between the petitioner and the de-facto complainant, on 22.09.2021 at about 06.10 p.m., the petitioner and other accused abused the defacto complainant and also attacked him with wooden stick and hands and also caused injury. Hence, the complaint.

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 would further submit that the petitioner has been suffering incarceration from 23.09.2021 and prays for grant of bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent police submitted that the injured person has been



discharged from the hospital and also submitted that this Court had granted anticipatory bail to the co-accused in Crl.O.P(MD).No.14681 of 2021 dated 30.09.2021.

5.Considering the facts and circumstances of the case, the fact that the injured has been discharged from the hospital, the grant of anticipatory bail to the co-accused by this Court and the period of incarceration, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

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 Judicial Magistrate No.II, Kovilpatti, Tuticorin District, 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 Aadhar card or Bank pass Book to ensure their identity;

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

[c] the petitioner shall not abscond during the trial;

[d] the petitioner shall not tamper with the evidence or witness during trial;

[e] 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]**.

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

sd/-
01/11/2021

/ 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 NO.II
KOVILPATTI, TUTICORIN DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3 THE SUPERINTENDENT
CENTRAL JAIL, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE,
KOVILPATTI WEST POLICE STATION,
THOOTHUKUDI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.16984 of 2021

Date :01/11/2021

SA/PN/SAR.1/01.11.2021/3P/6C