



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

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.16971 of 2021

Muthu @ muthupandi

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Thoothukudi North Police Station, Tuticorin.
(Crime No.593 of 2021)

... Respondent/Complainant

For Petitioner : Mr.V.Malaiyendran,
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.593 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 20.10.2021, for the offence punishable under Sections 341, 294(b), 307, 387 and 506(ii)I.P.C., in Crime No.593 of 2021 on the file of the respondent Police, seeks bail.

2.The case of the prosecution is that on 20.10.2021 at about 09.30 a.m, near Tuticorin American Hospital junction, the petitioner intercepted the defacto complainant and demanded money. When the defacto complainant refused to give money, the petitioner abused him in filthy language, assaulted him and also threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. However, he is inside the prison from 20.10.2021. Hence, he seeks for grant of bail.

4.The learned Additional Public Prosecutor appearing for the respondent police opposed for grant of bail on the ground that the petitioner is having three previous cases. However, he fairly

<https://hcmis.courts.tn.in/tcse/vces>



5. At this juncture, the learned counsel for the petitioner ensures that the petitioner will not involve in any other offence in future. The petitioner is also ready to file an undertaking affidavit before the trial Court to that effect.

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6. Considering the facts and circumstances of the case, the period of incarceration, the petitioner's readiness to file an undertaking affidavit that he will not involve in any other offence in future and also the fact that no one has been injured in this case, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

7. Accordingly, the Criminal Original Petition is allowed. 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, Thiruchendur and on further conditions that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate 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 twice, i.e. morning at 10.30 a.m. and evening at 5.00 p.m. until further orders.

[c] the petitioner shall file an undertaking affidavit before the trial Court that he will not involve in any other offence in future.

[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 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 is 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/-

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,
THIRUCHENDUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3 THE OFFICER INCHARGE,
DISTRICT PRISON, PERURANI, TUTICORIN DISTRICT.
- 4 THE INSPECTOR OF POLICE
THOOTHUKUDI NORTH POLICE STATION, TUTICORIN.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.16971 of 2021
Date :01/11/2021

PNM/OGY
MK/JM/SAR.I/01.11.2021/3P/6C