



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09.11.2021

PRESENT

WEB COPY

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.16978 of 2021

Thangavijay

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Thalamuthunagar Police Station,
Thoothukudi District.
In Crime No.315 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.Vishnuvardhan,
Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-For Bail in Crime No.315 of 2021 on the file of the
Respondent Police.

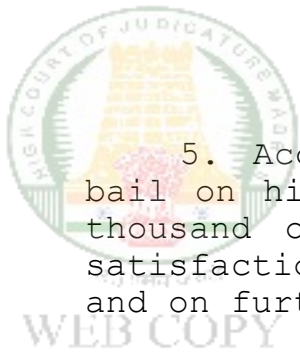
ORDER : The Court made the following order :-

The petitioner, who was arrested on 24.09.2021 for the offence punishable under Sections 294(b), 307, 341 and 506(ii) of IPC in Crime No.315 of 2021 on the file of the respondent police, seeks bail.

2. The case of the prosecution is that the petitioner and other accused restrained the defacto complainant, abused him in filthy language and attempted to murder him. Hence, the complaint.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

4. Since the petitioner has seven previous cases, the earlier bail application filed by him in Crl.OP(MD)No.15874 of 2021 was dismissed on 12.10.2021. However in Crime No.1063 of 2011 of South Police Station, eventhough charge sheet was filed, it was not taken on file. Similarly, in other cases also, charge sheet was not taken on file. Hence, this Court is inclined to grant bail to the



5. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Thoothukudi and on further condition 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 report before the respondent police daily at 10.30 a.m. until further orders.

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

[d] the petitioner shall not tamper with the evidence or witness 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 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/-

09/11/2021

/ 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 II,
THOOTHUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

<https://hcservices.mca.gov.in/>



3 THE INSPECTOR OF POLICE
THALAMUTHUNAGAR POLICE STATION, THOOTHUKUDI DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, PERURANI.

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

ORDER
IN
CRL OP (MD) No.16978 of 2021
Date :09/11/2021

mbi
MK/VR/SAR.IV/09.11.2021/3P/6C