



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/11/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.17061 of 2021

Arul ... Petitioner/ Sole Accused
Vs

The State rep by
The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
(Cr.No.377 of 2021).

... Respondent/Complainant

For Petitioner : Mr.A.Kesavan
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.377 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 04.10.2021, for the offence punishable under Sections 294(b), 324, 307 and 506(ii) of IPC, in Crime No.377 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 03.10.2021 at 3.30 p.m., when the defacto complainant was returning to the home, after hunting garden lizard, the petitioner waylaid the defacto complainant and abused him in filthy language and also attacked him with aruval. Therefore, the present case came to be registered.

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 further submitted that the defacto complainant now and then waylaid the petitioner's wife and mocked her and the same was questioned by the petitioner. Thereafter, wordy quarrel arose between them and both of them have attacked each other. During such incident, the defacto complainant sustained



injuries. He would further submit that the petitioner has been suffering incarceration from 04.10.2021 and prays for grant of bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that the injured has been discharged from the hospital and no previous case is pending against the petitioner.

5. Considering the facts and circumstances of the case, the antecedent of the petitioner, the period of incarceration and also the fact that the injured has been discharged from the hospital, 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 Judicial Magistrate, Radhapuram, Tirunelveli 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 as and when required for interrogation.

[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

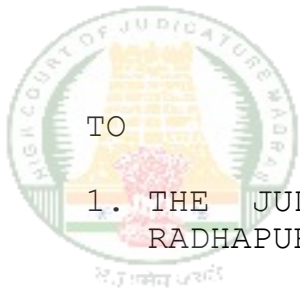
/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

tta

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,
RADHAPURAM, TIRUNELVELI DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE SUPERINTENDENT,
CENTRAL PRISON,
PALAYAMKOTTAI.

4. THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.S.BALAJI, Advocate (SR-7752[I] dated 01/11/2021)

ORDER

IN

CRL OP (MD) No.17061 of 2021

Date : 01.11.2021

VB/SKN/SAR-I/01.11.2021/3P/7C