



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

Date : 09/11/2021

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD). No.17138 of 2021

T.Santhanam

... Petitioner/Accused

Vs

The state represented by
The Sub Inspector of Police,
Tirchendur Temple Police Station,
Thoothukudi District.
Crime No.117 of 2021

... Respondent/Complainant

For Petitioner : M/s.B.Balamurugan,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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

PRAYER :-

For Bail in Crime No.117 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 19.10.2021 for the offences punishable under Sections 294(b), 324, 307 IPC r/w 4 of TNPHW Act 2002 in Crime No.117 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to matrimonial dispute between the petitioner and the de-facto complainant, the petitioner abused the de-facto complainant in filthy language, attacked her with knife and also caused injuries on her head, elbow and hip. Hence, the complaint.

3.The learned counsel 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 is in judicial custody from 19.10.2021. Hence, he seeks bail.

4.The learned Additional Public Prosecutor strongly opposed this petition on the ground that the petitioner is having illegal contact with one Malathi, when the same was questioned by the de-



facto complainant, the petitioner attacked the de-facto complainant with knife. He fairly conceded that the injured was already discharged from the hospital.

5.Considering the facts that there existed matrimonial disputes between the petitioner and his wife, that the injured was already discharged from the hospital, that except the offence under Section 307 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, all other offences are bailable in nature and also the fact that the petitioner is in judicial custody from 19.10.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, 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 Court at Tiruchandur, Thoothukudi District.

i) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity

ii) the petitioner shall report before the respondent police daily at 10.30 a.m for a period of one month and thereafter as and when required for interrogation;

iii) the petitioner shall not tamper with evidence or witness.

iv) the petitioner shall not abscond during trial.

v) 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].

vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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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,
TIRUCHANDUR, THOOTHUKUDI DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3 THE OFFICER INCHARGE,
SUB JAIL, PEROORANI, THOOTHUKUDI.

4 THE SUB INSPECTOR OF POLICE
TIRCHENDUR TEMPLE POLICE STATION,
THOOTHUKUDI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.17138 of 2021
Date :09/11/2021

SJI

SS/PN/SAR-IV/09.11.2021 : 3P/6C