



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.17140 of 2021

Sudalaikannu

... Petitioner/Sole Accused

Vs

The State rep by
The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
In Crime No. 570 of 2021

... Respondent/Complainant

For Petitioner : Mr.M.Solaisamy,
Advocate.

For Respondent : Mr.A.Thiruvadi Kumar,
Public Prosecutor

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

PRAYER :-

For Bail in Crime No. 570 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 08.10.2021, for the offence punishable under Sections 341, 294(b), 387, 307 and 506(ii) IPC, in Crime No.570 of 2021, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 08.10.2021, the petitioner/accused waylaid the defacto complainant and demanded money. When the defacto complainant refused to give money, the petitioner assaulted him with aruval. 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 and he has been falsely implicated in this case. However, he has been languishing in jail from 08.10.2021. He further submits that no one has been injured in this case. Hence, he prayed for grant of bail.



4. The learned Additional Public Prosecutor opposed for grant of bail on the ground that the petitioner is having two previous cases. However, he fairly submits that no one has been injured in this case.

5. Considering the facts and circumstances of the case, the period of incarceration and also the fact that no one has been injured in this case, 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 No.II, Kovilpatti 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 appear before the respondent police daily twice, i.e. morning at 10.30 a.m and evening at 5.30 p.m. until further orders.

[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 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/-

02/11/2021

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/ /2021

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

PNM/OGY

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.

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

3. THE SUPERINTENDENT, CENTRAL PRISON,
MADURAI.

4. THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT.

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

ORDER

IN

CRL OP (MD) No. 17140 of 2021

Date : 02/11/2021

VB/VR/SAR-IV/02.11.2021/3P/6C