



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.17217 of 2021

M.Devaraj, ... Petitioner/sole Accused

Vs

State Rep by
The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
(Crime No. 349 of 2021). ... Respondent/Complainant

For Petitioner : M/s.Pinaygash.I,
Advocate.

For Respondent : Mr.Thiruvadi Kumar,
Additional Public Prosecutor

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

PRAYER :-

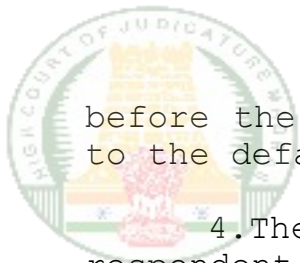
For Bail in Crime No.349 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who was arrested on 25.10.2021, for the offence punishable under Sections 294(b), 307, 506(2) of IPC, in Crime No.349 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 25.10.2021, due to previous enmity, the petitioner abused and threatened the defacto complainant with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner and the defacto complainant are neighbours and no one has been injured in the said occurrence. He would further submit that the petitioner is in judicial custody and he is ready to file an undertaking affidavit



before the respondent police that he will not cause any disturbance to the defacto complainant.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that no one has been injured in the said occurrence and the investigation is yet to be completed. He further submitted that the petitioner is having one previous case.

5. Considering the nature of allegations levelled against the petitioner and the fact that no one has been injured, his willingness to file an affidavit that he will not cause any disturbance to the defacto complainant and the period of incarceration, 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.III, Tirunelveli 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 daily at 10.30 a.m., until further orders;

[c] the petitioner shall file an undertaking affidavit before the respondent police that he will cause any disturbance to the defacto complainant at any point of time;

[d] the petitioner shall not abscond during the trial;

[e] the petitioner shall not tamper with the evidence or witness during trial;

[f] 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]**.

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
02/11/2021

/ 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 No.III,
Tirunelveli.
2. Do Through The Chief Judicial Magistrate,
Tirunelveli.
3. The Officer Incharge,
Nanguneri Sub Jail,
Tirunelveli.
4. The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL OP(MD) No.17217 of 2021
Date : 02/11/2021

TR/VR/SAR-IV(02.11.2021) 3P 6C