



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

Date : 17.11.2021

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.17401 of 2021

Malairaj @ Veerappan

... Petitioner/Sole Accused

Vs

The State Rep.by  
The Inspector of Police,  
RS Mangalam Police Station,  
Ramanathapuram District.  
(Crime No.258 of 2021)

... Respondent/Complainant

For Petitioner : Mr.D.Rameshkumar  
Advocate.

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

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

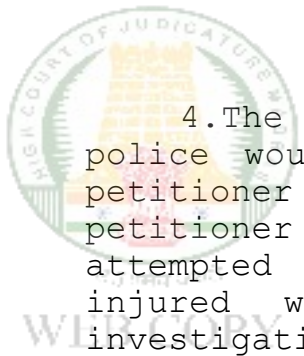
PRAYER :- For Bail in Crime No.258 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 06.10.2021 for the offences punishable under Sections 294(b), 332, 307 and 506(ii) IPC in Crime No.258 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there was a wordy quarrel between the petitioner and the de-facto complainant with regard to worship, due to which, the petitioner attacked the de-facto complainant with sickle and attempted to commit murder. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the de-facto complainant alone has assaulted the petitioner and caused fracture on his right hand and at that time the de-facto complainant also fell down and sustained simple injury on his hand. He would further submit that the petitioner is innocent, that he has been falsely implicated in this case and that he is in judicial custody from 06.10.2021. Hence, he seeks bail.



4.The learned Additional Public Prosecutor for the respondent police would submit that there was a wordy quarrel between the petitioner and the de-facto complainant with regard to worship, the petitioner attacked the de-facto complainant with sickle and attempted to commit murder. He would further submit that the injured was already discharged from the hospital and the investigation is not yet completed.

5.Considering the facts and circumstances of the case and also the facts that the injured was already discharged from the hospital, that the petitioner is not having any previous case for similar or serious offence and that the petitioner is in judicial custody from 06.10.2021, 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, Thiruvadanai, Ramanathapuram 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/-  
17/11/2021

/ 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,  
THIRUVADANAI, RAMANATHAPURAM DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,  
RS MANGALAM POLICE STATION,  
RAMANATHAPURAM DISTRICT.
4. THE OFFICER INCHARGE,  
DISTRICT PRISON,  
RAMANATHAPURAM.
5. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER

IN

CRL OP(MD) No.17401 of 2021

Date :17/11/2021

SJI

PKP/PN/SAR-2/18.11.2021/3P.6C