



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

Date : 22/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17628 of 2021

Prabhu @ Pragadeeswaran

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
(Crime No.546 of 2021).

... Respondent/Complainant

For Petitioner : M/s.BALAJI.A,
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. 546 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 21.10.2021 for the offences punishable under Sections 341 and 326B IPC, in Crime No.546 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner approached the defacto complainant's parents for marrying the defacto complainant, when the same was refused by the defacto complainant, the petitioner attempted to pour acid on her, while she was riding her two wheeler near CR.Mala Jewelry shop at Nethaji Road. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner admitted the marriage proposal. He would further submit that when the petitioner waylaid the defacto complainant for asking her to return the gift articles, which are presented by the petitioner to her, the defacto complainant has become frightened and lodged a complaint. He would further submit that the petitioner is in judicial custody from 21.10.2021. Hence, he seeks bail.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that at the time of occurrence the petitioner was in drunken mode. He fairly conceded that no previous case is pending against the petitioner herein.

5.Considering facts that there existed enmity between the parties, as the defacto complainant had refused to marry the petitioner, that the victim has not sustained any injury in the occurrence, that the petitioner is not having any previous case for similar or serious offence and that the petitioner is in judicial custody from 21.10.2021, this Court is inclined to grant bail to the petitioner, subject to the 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 Additional Mahila Court, Srivilliputhur.

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/-
22/11/2021

/ 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 ADDITIONAL MAHILA JUDGE
SRIVILLIPUTHUR
- 2 THE OFFICER INCHARGE
DISTRICT PRISON, VIRUDHUNAGAR.
- 3 THE INSPECTOR OF POLICE
SRIVILLIPUTHUR TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.17628 of 2021
Date :22/11/2021

SA/VR/SAR.1/22.11.2021/3P/5C