



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17.11.2021

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PRESENT

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

CRL OP(MD). No.17885 of 2021

Arun Kumar

... Petitioner/Sole Accused

Vs

The State rep.by,
The Sub-Inspector of Police,
Kallidaikurichi Police Station,
Tirunelveli District.
In crime No.527 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.Sathyachidambaram
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.527 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 08.10.2021 for the offences punishable under Sections 294(b), 324, 307, 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act in Crime No.527 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 07.10.2021, the petitioner asked money from the de-facto complainant with drunken mode. When the same was refused by the de-facto complainant, the petitioner abused the de-facto complainant with filthy language, attacked her with hand and also strangulated her neck. Thereby, the de-facto complainant caused injury. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the de-facto complainant are husband and wife and there was a wordy quarrel between them, the de-facto complainant gave a false complaint against the petitioner. He would further submit that the petitioner is in judicial custody from 08.10.2021. Hence, he seeks bail.



4.The learned Additional Public Prosecutor for the respondent police would submit that the injured was already discharged from the hospital. He would further submit that the investigation was completed and the charge sheet has already been laid and the case was taken on file in P.R.C.No.50 of 2021 and the same is pending on the file of the learned Judicial Magistrate, Amabasamudram, Tirunelveli District.

5.Considering the facts that there existed matrimonial dispute between the parties, that the injured was already discharged from the hospital, that the investigation was completed and the charge sheet has already been laid and the case was taken on file in P.R.C.No.50 of 2021 and the same is pending on the file of the learned Judicial Magistrate, Amabasamudram, Tirunelveli District, that the petitioner is not having any previous case for similar or serious offence and also the fact that the petitioner is in judicial custody from 08.10.2021, 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, Ambasamudram, Tirunelveli 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 trial Court 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

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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,
AMBASAMUDRAM, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
KALLIDAKURICHI POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.17885 of 2021
Date :17/11/2021

SJI
MK/VR/SAR.II/17.11.2021/3P/6C