



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.17912 of 2021

M.Murugan ... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
Kallidaikurichi Police Station,
Tirunelveli District.
Crime No.574 of 2021

... Respondent/Complainant

For Petitioner : Mr.T.THIRUMURUGAN
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.574 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

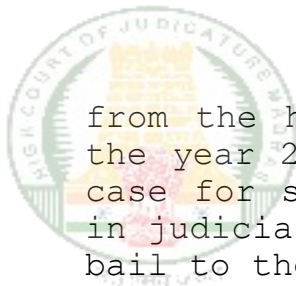
The petitioner/A1, who was arrested and remanded to judicial custody on 05.11.2021 for the offences punishable under Sections 294(b), 324, 307 and 506(2) IPC in Crime No.574 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is there was a dispute between the petitioner and the de-facto complainant in firing crackers on the event of deepavali, due to which, the petitioner abused the de-facto complainant in filthy language, attacked him with aruval and also caused injury. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner and the de-facto complainant are neighbors and that he is innocent and he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 05.11.2021. Hence, he seeks bail.

4.The learned Additional Public Prosecutor strongly opposed this petition on the ground that the petitioner is having one previous case. He fairly conceded that the injured was already discharged from the hospital.

5.Considering the facts that there existed neighbourhood dispute between the parties, that the injured was already discharged



from the hospital, that the petitioner is having one hurt case in the year 2019 and except the said case, he is not having any other case for serious offences and also the fact that the petitioner is in judicial custody from 05.11.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions:

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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.

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

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/ /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
AMBASAMUTHIRAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT
CENTRAL PRISON, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.



4 THE INSPECTOR OF POLICE,
KALLIDAIKURICHI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.THIRUMURUGAN T Advocate SR.No.8143

ORDER

IN

CRL OP(MD) No.17912 of 2021

Date :17/11/2021

SA/PN/SAR.2/17.11.2021/3P/7C