



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.11.2021

WEB COPY

PRESENT

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

CRL OP(MD). No.18025 of 2021

Susai Manickkam

... Petitioner/Sole Accused

Vs

The State rep.by,
The Inspector of Police,
Alwarkurchi Police Station,
Tirunelveli District.
In Crime No.288 of 2021.

... Respondent/Complainant

For Petitioner : Mr.J.Pon Eswara
Advocate.

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

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

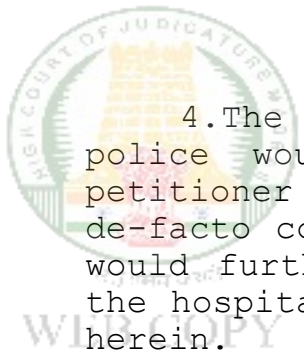
PRAYER :-For Bail in Crime No.288 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who was arrested and remanded to judicial custody on 29.10.2021 for the offences punishable under Sections 294(b), 307 and 506(ii) IPC in Crime No.288 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity between the petitioner and the de-fact complainant, on 28.10.2021, the petitioner abused the de-facto complainant in filthy language and also attacked him with aruval and caused injury. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and that he has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody from 29.10.2021. Hence, he seeks bail.



4.The learned Additional Public Prosecutor for the respondent police would submit that due to previous enmity between the petitioner and the de-facto complainant, the petitioner attacked the de-facto complainant with aruval and attempted to commit murder. He would further submit that the injured was already discharged from the hospital and no previous case is pending against the petitioner herein.

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 in judicial custody from 29.10.2021 and also the fact that the petitioner is not having any previous case for similar or serious offence, 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 Court, Ambasamudram at 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 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/-
18/11/2021

/ 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 COURT,
AMBASAMUDRAM, TIRUNELVELI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
ALWARKURICHI POLICE STATION, TIRUNELVELI DISTRICT.
 - 4 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.J.PON ESWARA MOORTHY, Advocate (SR-8237[I] dated 18/11/2021)

ORDER
IN
CRL OP(MD) No.18025 of 2021
Date :18/11/2021

sj i
MK/PN/SAR.III/18.11.2021/3P/6C