



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

Date : 02/12/2021

PRESENT

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The Hon'ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.18945 of 2021

ARUNKUMAR

... PETITIONER/3RD ACCUSED

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
(CRIME NO. 373 OF 2021).

... RESPONDENT/COMPLAINANT

For Petitioner : M/s.Muniyandi.S.,
Advocate.

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

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

PRAYER :-

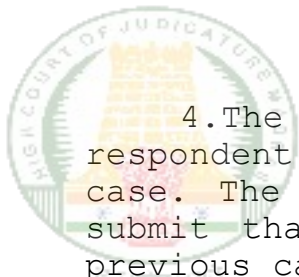
For Bail in Crime No. 373 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, who was arrested and remanded to judicial custody on 16.10.2021 for the offence punishable under Sections 294(b), 323, 324, 506(ii) of IPC @ 294(b), 323, 324, 506 (ii) and 307 of IPC, in Crime No.373 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to wordy altercation between the parties, on 13.09.2021, at about 08.00 p.m, the accused person abused the husband of the defacto complainant in filthy language and attacked him with wooden log and caused injuries. Hence the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has been falsely implicated in this case. He would further submit that he is in judicial custody from 16.10.2021 and the injured was discharged from the hospital. Hence, he seeks bail to the petitioner.



4.The learned Additional Public Prosecutor appearing for the respondent would submit that there are totally three accused in this case. The petitioner was arrayed as 3rd accused. He would further submit that the injured was discharged from the hospital and no previous case is pending against the petitioner.

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5.Considering the facts and circumstances of the case and also considering the facts that the injured was discharged from the hospital, that the the petitioner is not having any previous case for similar or serious offence, that the petitioner is in judicial custody from 16.10.2021 and that except the offence under Section 506(ii) IPC., other offences are bailable in nature, 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 No.II, Sivakasi, and on further conditions that;

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 daily for a period of 30 days 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/-
02/12/2021

/ 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 NO.II,
SIVAKASI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE OFFICER-INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR..
4. THE INSPECTOR OF POLICE,
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.18945 of 2021
Date :02/12/2021

dss
USK/VR/SAR-II/ (02.12.2021) 3P-6C