



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/12/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.19183 of 2021

1.Suresh
2.Vellaichamy

... Petitioner/Accused No.1 & 2

Vs

The State rep.by,
The Inspector of Police,
Amathur Police Station,
in Crime No.201 of 2021,
Virudhunagar District.

... Respondent/Complainant

For Petitioner : Mr.R.Rajamohan,
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.201 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2 herein, who were arrested on 15.11.2021 for the alleged offence under Section 294(b) and 307 of IPC, in Crime No.201 of 2021, on the file of the respondent police, seek bail.

2.The case of the prosecution is that due to previous motive between the petitioners and the defacto complainant, on 14.11.2021, at about 06.30 p.m, the accused were attempted to assault the defacto complaint with aruval and abused him with filthy language.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they were falsely implicated in this case and they have not committed any offence as alleged by the prosecution.He would further submit that the petitioners are in judicial custody from 15.11.2021. Hence, he seeks to grant of bail



4.The learned Additional Public Prosecutor would submit that because of the previous motive with regard to the murder of one Soundarapandian, during the year 2013, this occurrence said to have taken place. The accused alleged to have attacked the defacto complainant with aruval and the defacto complainant escaped from the attacking. It is a retaliation attempt to murder the defacto complainant and the investigation is still pending and if the petitioners are released on bail, every likelihood of occurring the same attack.

5.But, however, considering the nature of offence alleged against the petitioners and also considering the fact that the petitioners are in judicial custody from 15.11.2021, this Court is inclined to grant bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Virudhunagar, 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 petitioners shall stay in Salem and report before the learned Judicial Magistrate No.I, Salem, until further orders.

iii)the petitioners shall not tamper with evidence or witness.

iv)the petitioners 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/-

06/12/2021

/ 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,
VIRUDHUNAGAR.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE OFFICER INCHARGE,
THE SUB JAIL, VIRUDHUNAGAR..
- 4 THE INSPECTOR OF POLICE
AMATHUR POLICE STAION, VIRUDHUNAGAR DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

- 1 THE JUDICIAL MAGISTRATE NO.I,
SALEM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SALEM DISTRICT.

+1 CC to Mr.R.RAJAMOHAN, Advocate (SR-8870[I] dated 06/12/2021)

ORDER
IN
CRL OP(MD) No.19183 of 2021
Date :06/12/2021

dss
MK/VR/SAR.II/07.12.2021/3P/9C