



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.12.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.19632 of 2021

Muthuramalingam

... Petitioners/Sole Accused

Vs

State rep. by
The Inspector of Police,
Iianchembur Police Station,
Ramanathapuram District.
(Crime No.123 of 2021)

... Respondent/Complainant

For Petitioner : Mr.R.Alagumani
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl. side)

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

PRAYER :-

For Bail in Crime No.123 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who was arrested on 24.08.2021 for the offences punishable under Sections 294(b), 323, 324, 506(ii) and 307 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Section 25(1)(a) of the Arms Act, in Crime No.123 of 2021 on the file of the respondent police, seek bail.

2.The case of the prosecution is that on 22.08.2021, due to family dispute, the accused assaulted the defacto complainant with deadly weapon and caused injury.

3.This is the third bail petition. The earlier bail petitions were dismissed by this Court on the ground that the petitioner is involved in 14 previous cases.

<https://hcservices.hcourtsgov.in/hcservices/> 4.The learned counsel for the petitioner submits that the



petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case. However, he is inside the prison from 24.08.2021.

5.The learned Additional Public Prosecutor appearing for the respondent opposed for grant of bail on the ground that the petitioner is having 14 previous case.

6.At this juncture, the learned counsel for the petitioner further submits that one S.Ramesh, Vice President of Thanjavur Consumer Co-operative Wholesale Stores Ltd. has come forward to stand as surety for the petitioner and he is ready to execute a bond for a sum of Rs.1,00,000/- before the concerned Judicial Magistrate and he also ensures that the petitioner will not indulge in any other offence in future. The learned counsel for the petitioner has also filed an affidavit by the said S.Ramesh, who ensures that the petitioner will not indulge in any other offence in future.

7.Taking into consideration of the facts and circumstances of the case, the period of incarceration and the fact that a responsible person, i.e. one S.Ramesh, Vice President of Thanjavur Consumer Co-operative Wholesale Stores Ltd., has filed an affidavit stating that he will ensure that the petitioner will not involve in any offence in future, this Court is inclined to grant bail to the petitioner, however, with stringent conditions.

8.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail on his executing a bond for a sum of Rs.1,00,000/-(Rupees one lakh only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Mudukulathur and on further conditions that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] the sureties shall file separate affidavits before the concerned Judicial Magistrate Court as well as before the respondent Police that they will ensure that the petitioner will not involve in any further offence. Of the two sureties, one surety shall be Mr.S.Ramesh, Vice President of Thanjavur Consumer Co-operative Wholesale Stores Ltd., who filed affidavit before this Court.

[c] The petitioner shall also file similar such affidavit before the learned Magistrate as well as before the respondent Police.

[d] The petitioner shall not misuse the liberty granted to him by this Court and if the petitioner is involved in any other offence, the respondent police shall inform the same to the



concerned Court. The concerned Court shall impound the sureties amount;

[e] the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders;

[f] the petitioner shall not abscond during the trial;

[g] the petitioner shall not tamper with the evidence or witness during trial;

[h] 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 is 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]**.

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

21/12/2021

/ TRUE COPY /

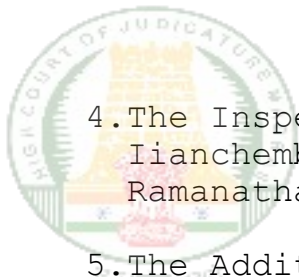
21/12/2021

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 learned Judicial Magistrate,
Mudukulathur, Ramanathapuram District.
- 2.Do Through The Chief Judicial Magistrate,
Ramanathapuram District.
- 3.The Superintendent,
Central Prison, Madurai.



4.The Inspector of Police,
Iianchembur Police Station,
Ramanathapuram District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

CRL OP(MD) No.19632 of 2021

Date :21/12/2021

RS/VR/SAR2(21.12.2021) 4P-6C