



Crl.O.P.No.32264 of 2022

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated : 23.12.2022

CORAM :

**THE HON'BLE MRS. JUSTICE T.V. THAMILSELVI**

Crl.O.P.No.32264 of 2022

Muthu @ Pallumuthu,  
S/o.Ravi

... Petitioner

Vs.

The State rep. by  
The Inspector of Police,  
Alivalam Police Station,  
Chennai.  
(Crime No.27 of 2022)

... Respondent

**PRAYER:** Criminal Original Petition has been filed under Section 439 of Cr.P.C. praying to enlarge the petitioner on bail in P.R.C.No.58 of 2022 on the file of learned Judicial Magistrate Court, Thiruthuraipoondi, Thiruvarur in Crime No.27 of 2022

For Petitioner : Mr. S.Senthilvel

For Respondent : Mr.S.Vinoth Kumar



Crl.O.P.No.32264 of 2022

Govt. Advocate (Crl. Side)

## **ORDER**

The petitioner who was arrested and remanded to judicial custody on 29.03.2022 for the offences under **Sections 294(b), 324, 506(ii) of I.P.C. And subsequently it was altered into Sec.294(b), 324, 506(ii), 307 I.P.C.** in Crime No.27 of 2002, on the file of the respondent police, in P.R.C.No.58 of 2022 on the file of the learned Judicial Magistrate Court, Thiruthuraipoondi, Thiruvarur, seeks bail

2. The case of prosecution is that on 28.03.2022, due to wordy quarrel, suddenly, the petitioner pulled out a knife from his hip and assaulted him and also he said to have scolded the defacto complainant in filthy language and criminally intimidated him. Hence, the complaint.

3. The learned counsel appearing for petitioner submitted that he is no way connected with the offence. He would submit that he has not at all committed any of offence as alleged by the respondent police and he has



Crl.O.P.No.32264 of 2022

WEB COPY

been falsely implicated in this case and he will abide by any condition imposed by this court. He would submit that the petitioner was detained under Act 14/82 and subsequently the Government revoked the detention order. He would further submit that the investigation is almost completed and that the petitioner has been suffering incarceration for more than 10 months from 29.03.2022. Hence, he prayed to grant bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for respondent would submit that due to a wordy quarrel between the defacto complainant and the petitioner, thereby the petitioner assaulted him with knife thereby, he sustained grievous injury. He would submit that that if he is released on bail, he would tamper the witnesses and hamper the investigation and the investigation is almost completed. Hence, he vehemently opposed to grant bail to the petitioner.

5. Considering the above facts and circumstances of the case and also the fact his detention order was revoked by the Government and the period of incarceration undergone by the petitioner, this Court is



Crl.O.P.No.32264 of 2022

inclined to grant bail to the petitioner with certain conditions.

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6. Accordingly, the petitioner is ordered to be released on bail on his executing bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the *learned Judicial Magistrate, Thiruthuraipoondi*, 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 Aadhar Card or Bank Pass Book to ensure their identity;

**(b) the petitioner shall appear before the respondent police daily at 10.30 a.m. for the period of two months.**

(c) the petitioner shall not commit any offences of similar nature;

(d) the petitioner shall not abscond during trial;

(e) the petitioner shall not tamper with evidence or witness during trial;



Crl.O.P.No.32264 of 2022

(f) on breach of any of the aforesaid conditions, the learned Judicial 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];

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

**23.12.2022**

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To

1. The Judicial Magistrate, Thiruthuraipoondi.
2. Inspector of Police,  
Alivalam Police Station, Chennai.
3. The Superintendent of Prison,  
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,  
High Court of Madras, Chennai.



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Crl.O.P.No.32264 of 2022

**T.V. THAMILSELVI, J.**

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**Crl.O.P.No.32264 of 2022**

**23.12.2022**