



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

Date : 14.02.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.1584 of 2022

WEB COPY

Sathishkumar

... Petitioner/Accused No.3

Vs

State represented by
The Inspector of Police,
Jegadapattinam Police Station,
Pudukkottai District.
(Crime No.201 of 2021)

... Respondent/Complainant

For Petitioner : Mr.M.Suresh,
Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

PETITION FOR BAIL Under Section 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 petitioner/A.3, who was arrested and remanded to judicial custody on 25.12.2021 for the offences punishable under Sections 294 (b), 323, 324 and 307 IPC, in Crime No.201 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused had attacked the defacto complainant with knife and stone. Hence, the complaint.

3.It is not in dispute that the petitioner has been granted bail by the learned Principal Sessions Judge, Pudukkottai, in Crl.M.P.No.4520 of 2021 dated 15.11.2021, imposing a condition directing the petitioner to appear before the Judicial Magistrate No.I, Ariyalur, daily at 10.30 a.m. and 05.00 p.m., until further orders.

4.It is also not in dispute that on the basis of the report submitted by the learned Judicial Magistrate No.1, Ariyalur, informing that the condition was not complied by the petitioner and the learned Principal Sessions Judge, after giving notice to the petitioner and after hearing, has passed the order in Cr.M.P.No.5047 of 2021 dated 21.12.2021 cancelling the bail and thereafter, the



petitioner was arrested and remanded to judicial custody on 25.12.2021.

5.The learned counsel for the petitioner would submit that the petitioner has started to comply with the condition imposed by the learned Principal Sessions Judge and since the petitioner's child was not well, he could not be able to continue the conditions.

6.The learned Additional Public Prosecutor would submit that the petitioner is in judicial custody from 25.12.2021.

7.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 25.12.2021 after cancellation of bail and also the fact that the petitioner was already granted bail by the Principal Sessions Judge in Crl.M.P.No.4520 of 2021 dated 15.11.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8.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, Aranthangi, Pudukkottai 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 Judicial Magistrate No.I, Ariyalur, for a period of fifteen (15) days daily at 10.30 a.m., and thereafter, the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(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 / petitioner thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

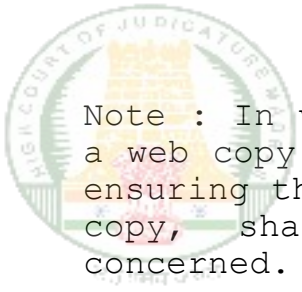
sd/-

14/02/2022

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14/02/2022

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.

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- TO
- 1 THE JUDICIAL MAGISTRATE,
ARANTHANGI, PUDUKKOTTAI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
 - 3 THE JUDICIAL MAGISTRATE NO.I,
ARIYALUR.
 - 4 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
ARIYALUR DISTRICT.
 - 5 THE INSPECTOR OF POLICE
JEGADAPATTINAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
 - 6 THE OFFICER INCHARGE,
DISTRICT JAIL,
PUDUKKOTTAI.
 - 7 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.1584 of 2022
Date :14/02/2022

RS/VR/SAR.4 (14.02.2022) 3P-8C