



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.02.2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.1716 of 2022

Muthumani

... Petitioner/Accused No.2

Vs

State represented by
The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi,
Ramanathapuram District.
(Crime No.590 of 2021)

... Respondent/Complainant

For Petitioner : Mr.G.Prabhu Rajadurai,
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.590 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.2, who was arrested and remanded to judicial custody on 14.12.2021 for the offences punishable under Sections 341, 147, 148, 294(b), 324, 307 and 120B IPC r/w 302 IPC and Section 3 of TNPPDL Act, in Crime No.590 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 and others with deadly weapons and caused the death of one Azhagumurugan and also damaged the public property. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is no way connected with the alleged occurrence and he was arrested only by mistaken identity.



4.The learned Additional Public Prosecutor would submit that the petitioner's name has been mentioned by the defacto complainant in his complaint. He would further submit that the enquiry is going on with regard to the mistaken identity, as alleged by the defence.

5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 14.12.2021 and also the facts that the investigation might have been completed by this time and that the petitioner is not having any previous cases for similar or serious offence, 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 Principal District and Sessions Judge, Ramanathapuram.

(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., 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

/ TRUE COPY /

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 PRINCIPAL DISTRICT AND SESSIONS JUDGE,
RAMANATHAPURAM.
 - 2 THE INSPECTOR OF POLICE
PARAMAKUDI TOWN POLICE STATION,
PARAMAKUDI,
RAMANATHAPURAM DISTRICT.
 - 3 THE SUPERINTENDENT,
CENTRAL PRISON,
MADURAI.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1 CC to MR.G.PRABHU RAJADURAI, ADVOCATE (SR.No.1103)

ORDER
IN
CRL OP(MD) No.1716 of 2022
Date :14/02/2022

RS/VR/SAR.4(14.02.2022) 3P-6C