



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.02.2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.2289 of 2022

Sadamunian @ Kokku

... Petitioner/ Accused No.2

Vs

State represented by
The Inspector of Police,
SIPCOT Police Station,
Sivagangai District.
(Crime No.2 of 2022)

... Respondent/ Complainant

For Petitioner : Mr.K.Sathish Kumar,
Advocate.

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

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

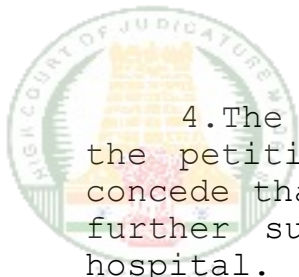
PRAYER :-For Bail in Crime No.2 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.2, who was arrested and remanded to judicial custody on 12.01.2022 for the offences punishable under Sections 342, 294(b), 323, 324, 506(2) and 307 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.2 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that the petitioner and other accused attacked the defacto complainant's husband with sword and when the defacto complainant tried to rescue her husband, the petitioner and other accused had attacked her and also criminally intimidated them. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the victim is also having 25 previous cases.



4.The learned Additional Public Prosecutor would submit that the petitioner is having 16 previous cases, but he would fairly concede that out of 16 cases, seven cases were disposed of. He would further submit that the injured was already discharged from the hospital.

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5.Considering the fact that there existed election dispute between the parties and also taking note of the facts that the petitioner is in judicial custody from 12.01.2022 and that the injured was already discharged from the hospital, 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 Judicial Magistrate, Manamadurai.

(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/-

15/02/2022

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/ /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



TO

1 THE JUDICIAL MAGISTRATE,
MANAMADURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
SIPCOT POLICE STATION, SIVAGANGAI DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to MR.K.SATHISH KUMAR, Advocate (SR-1141[I] dated 15/02/2022)

ORDER

IN

CRL OP(MD) No.2289 of 2022

Date :15/02/2022

CSM

MK/MS/SAR.I/15.02.2022/3P/7C