



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.02.2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.2453 of 2022

Seva @ Nallasevagan

... Petitioner/ Accused No.3

Vs

State represented by
The Inspector of Police,
Mudhukulathur Police Station,
Ramanathapuram District.
(Crime No.08 of 2022)

... Respondent/ Complainant

For Petitioner : Mr.D.Balamurugapandi,
Advocate.

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

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

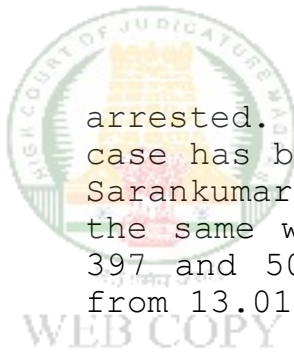
PRAYER :-For Bail in Crime No.08 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.3, who was arrested and remanded to judicial custody on 13.01.2022 for the offences punishable under Sections 147, 148, 341, 294(b), 324, 506(2) and 307 IPC, in Crime No.08 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous motive, on 06.01.2022 at 07.30 p.m., the accused persons assaulted the defacto complainant brutally by using aruval and abused him in filthy language and criminally threatened him with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the defacto complainant assaulted the first accused on his eyes. The mother of the first accused lodged a complaint, based on which, FIR came to be registered in Crime No.290 of 2021, on the file of Rameshwaram Town Police Station for the offences under Sections 294



arrested. He would further submit that due to that vengeance, this case has been registered against the petitioner. After two days, one Sarankumar, who is the relative of Kannan, lodged a complaint and the same was registered in Crime No.13 of 2022 under Sections 392, 397 and 506(2) IPC and that the petitioner is in judicial custody from 13.01.2022. Hence, he seeks bail.

4.The learned Additional Public Prosecutor would submit that the petitioner is having four previous cases including one case for the offence under Section 307 IPC.

5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 13.01.2022 and also the fact 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, Mudhukulathur, Ramanathapuram 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 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 /

/ /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.

TO

- 1 THE JUDICIAL MAGISTRATE,
MUDHUKULATHUR, RAMANATHAPURAM DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.
 - 3 THE SUPERINTENDENT OF POLICE
MUDHUKULATHUR POLICE STATION, RAMANATHAPURAM DISTRICT.
 - 4 THE OFFICER INCHARGE,
DISTRICT JAIL, RAMANATHAPURAM.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to Mr.D.BALAMURUGAPANDI, Advocate (SR-1082[I]dated 14/02/2022)

ORDER
IN
CRL OP(MD) No.2453 of 2022
Date :14/02/2022

CSM
MK/VR/SAR.IV/14.02.2022/3P/7C