



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08.02.2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.2625 of 2022

Muthukumar

... Petitioner/Accused No.5

Vs

The State represented by
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
(Crime No.561 of 2021)

... Respondent/Complainant

For Petitioner : Mr.S.MUNIYANDI,
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.561 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.5, who was arrested and remanded to judicial custody on 19.12.2021 for the offences punishable under Sections 147, 148, 294(b), 324 and 307 IPC and Section 25(1A) of ARMS Act, in Crime No.561 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous dispute, a wordy quarrel arose between the petitioner and the de-facto complainant, as a result of which, the petitioner abused the defacto complainant in filthy language and also attacked him with deadly weapons and caused grievous injuries to him. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the earlier bail petition filed by the petitioner before the Principal District and Sessions Judge, Virudhunagar, was ordered to be dismissed in Cr.M.P.No.124 of 2022 dated 24.01.2022 and that the sixth accused was already granted bail by this Court vide order dated 01.02.2022 in Crl.O.P.(MD)No.1827 of 2022.



4.The learned Additional Public Prosecutor would submit that the petitioner is not having any previous cases.

5.Considering the facts that there existed previous enmity between the defacto complainant and the petitioner and also the facts that the sixth accused was already granted bail by this Court in Crl.O.P.(MD)No.1827 of 2022 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 Judicial Magistrate No.II, Sivakasi.

(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 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/-

08/02/2022

/ TRUE COPY /

08/02/2022

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.

TO

1 THE JUDICIAL MAGISTRATE NO.II
SIVAKASI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHACHARI DISTRICT AT SRIVILLIPUTHUR.



3 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.

4 THE INSPECTOR OF POLICE,
SIVAKASI EAST POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.2625 of 2022

Date :08/02/2022

SA/VR/SAR.4/08.02.2022/3P/6C