



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/02/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.2732 of 2022

Thamarai @ Thamaraiselvam

... Petitioner/Petitioner/
Sole Accused

Vs

The state represented by
The Inspector of Police,
Koomapatti Police Station,
Virudhunagar District.
(Crime No.81/2021).

... Respondent/Respondent/
Complainant

For Petitioner : Mr.V.Selvakumar,
Advocate.

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

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

PRAYER :-

For Bail in Crime No.81/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, who was arrested and remanded to judicial custody on 13.12.2021 for the offences punishable under Sections 341, 294(b), 302 IPC in Crime No.81 of 2021 on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 19.06.2021 at about 08.15PM, while the deceased walking in the street of the accused, the accused wrongfully restrained, abused and assaulted the deceased, on the left side of his neck with a sickle, by saying that the deceased had illicit intimacy with the accused's wife. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the investigation was completed and charge sheet was also laid before the concerned Court and now the case is pending in SC No.5 of 2022, on the file of Additional District Judge, Srivilliputhur and that the petitioner is in judicial custody from 13.12.2021. Hence, he seeks bail.

4.The learned Additional Public Prosecutor would submit that subsequent to the registration of this case, the petitioner was involved in two other cases, including Arms Act and hence he opposed



5.It is not in dispute that since the petitioner violated the conditions imposed in Crl.M.P.No.1962 of 2021 dated 16.09.2021, the learned Sessions Judge, Srivilliputhur passed an order on 10.12.2021, cancelling the bail and thereafter, the petitioner was arrested on 13.12.2021 and remanded to judicial custody.

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6.Considering the above facts and circumstances of the case and also the facts that the final report has already been filed and is pending for trial and that the petitioner is in judicial custody from 13.12.2021, this Court is inclined to grant bail to the petitioner subject to the following conditions:

7.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.I, Srivilliputhur.

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 trial Court daily at 10.30 a.m, on all working days, 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 thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

09/02/2022

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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 concerned.



TO

1 THE JUDICIAL MAGISTRATE NO.I,
SRIVILLIPUTHUR.

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

3 THE INSPECTOR OF POLICE
KOOMAPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR DISTRICT.

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

+2. CC to M/S.SELVAKUMAR V Advocate SR.No.914

ORDER

IN

CRL OP(MD) No.2732 of 2022

Date :09/02/2022

SS/JM/SAR-IV/10.02.2022 : 3P/8C