



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.3127 of 2022

Ruban Ajithkumar

... Petitioner/Accused No.2

Vs

State through
The Sub-Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
(Crime No.561 of 2021)

... Respondent/Complainant

For Petitioner : Mr.A.Suresh Babu,
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.

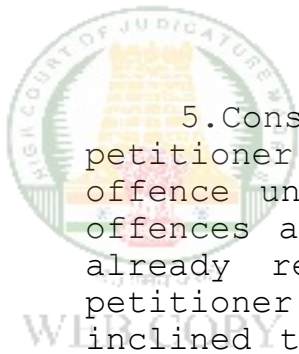
ORDER : The Court made the following order :-

The petitioner/A.2, 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, 1959, 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 motive, the petitioner and other accused attacked the defacto complainant with deadly weapon and also abused him in filthy language. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not been committed any offence as alleged by the prosecution. He would further submit that the accused Nos.3 to 6 were already released on bail.

4.The learned Additional Public Prosecutor would submit that the petitioner is in judicial custody from 19.12.2021.



5.Considering the overt act allegedly attributed against the petitioner in the occurrence and also the facts that except the offence under Sections 307 IPC and 25(1A) of ARMS Act, all other offences are bailable in nature, that the accused Nos.3 to 6 were already released on bail by the District Court and that the petitioner is in judicial custody from 19.12.2021, 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 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 NO.II,
SIVAKASI.

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

3 THE SUB INSPECTOR OF POLICE
SIVAKASI EAST POLICE STATION, VIRUDHUNAGAR DISTRICT

4 THE OFFICER INCHARGE,
DISTRICT JAIL, VIRUDHUNAGAR.

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

+1 CC to Mr.K.P.SANKARA KUMARA KURUPARAN, Advocate (SR-1074[I] dated
14/02/2022)

ORDER

IN

CRL OP(MD) No.3127 of 2022

Date :14/02/2022

CSM

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