



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17.02.2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.3112 of 2022

Thiyagarajan

... Petitioner/ Accused No.3

Vs

The State represented by
The Inspector of Police,
Kottampatti Police Station,
Madurai District.
(Crime No.369 of 2021)

... Respondent/ Complainant

For Petitioner : Mr.S.Arunnithy,
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.369 of 2021 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 05.01.2022 for the offences punishable under Sections 294 (b), 323, 324, 427 and 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act altered into Sections 294(b), 323, 324, 427 and 506(2) IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Section 174 Cr.P.C., in Crime No.369 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that there existed land dispute between the parties, due to that, the petitioner and other accused attacked the defacto complainant and her mother and abused them in filthy language and also threatened them with dire consequences. Hence, the complaint.

3.It is not in dispute that the alleged incident was occurred on 26.12.2021 and on that day itself, the defacto complainant and her mother were admitted in the hospital, that the defacto



complainant was discharged on 28.12.2021 and her mother was discharged on 01.01.2022 and thereafter, the defacto complainant's mother died on 03.01.2022 in her home.

4.Originally, FIR came to be registered for the alleged offences under Sections 294(b), 323, 324, 427 and 506(2) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, and subsequently after the death of the defacto complainant's mother, the case was altered into for the offences under Sections 294(b), 323, 324, 427 and 506(2) IPC, Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Section 174 Cr.P.C.

5.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.

6.The learned Additional Public Prosecutor would submit that in the post-mortem certificate, medical officer has observed that there was no trace of any violence or injuries on the body of the deceased. He would further submit that on seeing the CCTV footage, they came to know that there was no assault on the defacto complainant's mother during the occurrence. He would further submit that though the case was altered into 174 Cr.P.C., there is no chance for further alteration.

7.Considering the above facts and circumstances and also the facts that the petitioner is in judicial custody from 05.01.2022 and that except the offence under Sections 506(2) IPC and 4 of Tamil Nadu Prohibition of Harassment of Women Act, all other offences are bailable in nature, this Court is inclined to grant bail to the petitioner subject to the following conditions:

8.Accordingly, the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Melur.

9.On production of such receipt/acknowledgment, 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, Melur.

(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/-

17/02/2022

/ TRUE COPY /

17/02/2022

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,
MELUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KOTTAMPATTI POLICE STATION, MADURAI DISTRICT.
- 4 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE,
GOVERNMENT OF TAMIL NADU,
CHIEF MINISTER PUBLIC RELIEF FUND IN IOB,
SECRETARIAT BRANCH, CHENNAI-9.

+1 CC to M/s.S.ARUNNITHY, Advocate (SR-1205[I] dated 17/02/2022)
ORDER IN
CRL OP(MD) No.3112 of 2022
Date :17/02/2022

CSM