



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.02.2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.3214 of 2022

Muniyandi

... Petitioner/ Accused No.1

Vs

State through
The Sub-Inspector of Police,
Sethur Rural Police Station (OP),
Virudhunagar District.
(Crime No.191 of 2021)

... Respondent/ Complainant

For Petitioner : Mr.A.Balaji,
Advocate.

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

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

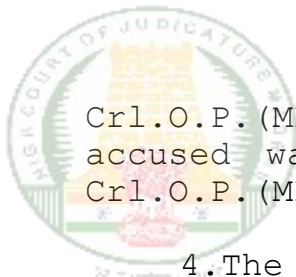
PRAYER :-For Bail in Crime No.191 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.1, who was arrested and remanded to judicial custody on 31.12.2021 for the offences punishable under Sections 294 (b), 323, 324 and 506(2) IPC and Section 4 of TNPHW Act altered into Sections 294(b), 323, 324, 307 and 506(2) IPC r/w Section 4 of TNPHW Act, in Crime No.191 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity with regard to pathway, on 26.12.2021, at about 11.00 a.m., the petitioner along with others said to have assaulted the defacto complainant with wooden log and threatened him with dire consequences and caused injuries to him. Hence, the complaint.

3.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. He would further submit that the second accused was already released on bail by this Court in



Crl.O.P.(MD)No.2260 of 2022 dated 03.02.2022 and that the third accused was already granted anticipatory bail by this Court in Crl.O.P.(MD)No.1560 of 2022 dated 03.02.2022.

4.The learned Additional Public Prosecutor would submit that the petitioner is having 2 previous cases and that the injured was already discharged from the hospital.

5.Considering the fact that there existed pathway dispute between the parties and also the facts that the injured was already discharged from the hospital, that the second accused was already released on bail and that the third accused was already granted anticipatory bail, 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, Rajapalayam.

(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/-
15/02/2022

/ 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,
RAJAPALAYAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE SUB INSPECTOR OF POLICE
SETHUR RURAL POLICE STATION, (OP),
VIRUDHUNAGAR DISTRICT.
- 4 THE OFFICER INCHARGE,
DISTRICT PRISON, VIRUDHUNAGAR.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3214 of 2022
Date :15/02/2022

CSM
MK/MS/SAR.I/15.02.2022/3P/6C