



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.3292 of 2022

Thazhai Mani

... Petitioner/Accused No.3

Vs

The State rep.by,
The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
(Crime No.28/2022)

... Respondent/Complainant

For Petitioner : Mr.S.Vidhya Sagar
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.28 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A3, who was arrested and remanded to judicial custody on 02.02.2022 for the offences punishable under Sections 294 (b), 323, 427 and 506(ii) of IPC and Section 25(1A) of Arms Act, 1959, in Crime No.28 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 01.02.2022, when the de-facto complainant and his colleagues were doing their work in the bar, the petitioner along with other accused came there with sword, sickle and knife and they had asked liquor on loan basis and when the de-facto complainant refused to give liquor, the petitioner and other accused attacked him with deadly weapons, scolded him in filthy language and also caused damage to the plastic chairs. 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.



4.The learned Additional Public Prosecutor would submit that no one was injured in this case.

5.Considering the nature of charges levelled against the petitioner and also the facts that no one was injured in this case, that except the offences under Sections 506(ii) of IPC and Section 25(1A) of Arms Act, all other offences are bailable in nature and that the petitioner is in judicial custody from 02.02.2022, this Court is inclined to grant bail to the petitioner subject to the following conditions:

6.Accordingly, the petitioner shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) as non-refundable deposit to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172);

7.On such deposit, the petitioner is ordered to be released on bail on condition that the petitioner shall execute 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 and on further conditions that:

(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/-
28/02/2022

/ TRUE COPY /

28/02/2022
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
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE OFFICER INCHARGE
DISTRICT JAIL, VIRUDHUNAGAR.
- 4 THE INSPECTOR OF POLICE
THIRUTHANGAL POLICE STATION, VIRUDHUNAGAR DISTRICT
- 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. C.C. to Mr.M.S.JEYAKARTHIK, Advocate SR.No.1585.

ORDER
IN
CRL OP(MD) No.3292 of 2022
Date :28/02/2022

SJI
MK/VR/SAR.II/28.02.2022/3P/8C