



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/02/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3489 of 2022

Aatumandaiyan @ Muthuraja

... Petitioner/3rd Accused

Vs

The State rep.by,
The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District
(Crime No.185 of 2021)

... Respondent/Complainant

For Petitioner : MR.S.Poornachandran,
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.185 of 2021 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 15.12.2021 for the offences punishable under Sections 341, 294(b), 323 and 307 IPC, in Crime No.185 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 10.09.2021, when the de-facto complainant and his brother were riding in a two wheeler from Ganapathi Store, E.P.Colony, Aruppukottai, the petitioner and other accused waylaid the de-facto complainant and his brother, abused in filthy language and also assaulted them with knife and wooden log. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the co-accused were already granted bail and anticipatory bail.



4.The learned Additional Public Prosecutor would submit that the petitioner is having 8 previous cases and that the injured was discharged from the hospital.

5.Considering the above facts and circumstances and also taking note of the fact that the petitioner is in judicial custody from 15.12.2021 and also the facts that the injured was discharged from the hospital, that the co-accused were already granted bail and anticipatory bail and that except the offence under Section 307 IPC, all other offences are bailable in nature, 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, Aruppukottai.

(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/-
18/02/2022

/ TRUE COPY /

18/02/2022
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



TO

1 THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI.

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

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

ORDER

IN

CRL OP(MD) No.3489 of 2022

Date :18/02/2022

SJI

MK/VR/SAR.II/18.02.2022/3P/6C