



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )  
Date : 22/02/2022

PRESENT

**The Hon`ble Mr.Justice K.MURALI SHANKAR**

CRL OP(MD). No.3625 of 2022

WEB COPY

Mathan Kumar

... Petitioner/Accused No.1

**Vs**

State Rep.by  
The Inspector of Police,  
Mukkudal Police Station,  
Tirunelveli District.  
(Crime No.23 of 2022).

... Respondent/Complainant

For Petitioner : Mr.P.Mani Anandh,  
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.23 of 2022 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 14.02.2022 for the offences punishable under Sections 294 (b), 307, 323 and 506(2) IPC, in Crime No.23 of 2022, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that on 13.02.2022, when the second accused was sitting in the defacto complainant's two wheeler, the defacto complainant asked him to move away, for which, the second accused abused him in filthy language and at the intervention of the nearby people, the defacto complainant had taken his vehicle. Due to that, the petitioner along with other accused assaulted the defacto complainant by using 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 third accused was already released on bail by the learned Principal Sessions Judge, Tirunelveli.



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

5.Considering the fact that there was a wordy quarrel between the parties and also the facts that the injured was already discharged from the hospital, that the petitioner is in judicial custody from 14.02.2022 and that the third accused was already released on 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, Cheranmahadevi.

(a) 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;

(b)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(c)the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d)the petitioner shall not abscond either during investigation or trial;

(e)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]***; and;

(f)if the accused / petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

22/02/2022

/ TRUE COPY /

22/02/2022

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,  
CHERANMAHADEVI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE  
MUKKUDAL POLICE STATION,  
TIRUNELVELI DISTRICT.

4 THE OFFICER INCHARGE,  
SUB-JAIL, SRIVAIAKUNDAM.

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

ORDER

IN

CRL OP(MD) No.3625 of 2022

Date :22/02/2022

RS/VR/SAR.2(22.02.2022) 3P-6C