



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/02/2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3899 of 2022

Balaganesh @ Doni

... Petitioner/Accused No.1

Vs

The State rep.by,
The Inspector of Police,
Sivakasi East Police Station,
Virudhunagar District.
Crime No.561 of 2021.

... Respondent/Complainant

For Petitioner : Mr.S.Muniyandi,
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.561 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A1, who was arrested and remanded to judicial custody on 19.12.2021 for the offences punishable under Sections 147, 148, 294(b), 324 and 307 of IPC and Section 25(1A) of Arms Act, in Crime No.561 of 2021, on the file of the respondent police, seeks bail.

2.The case of the prosecution is that due to previous enmity between the petitioner and the de-facto complainant, the petitioner and others attacked the de-facto complainant by using aruval and felted stone. 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. He would further submit that A3 to A6 were already granted bail by this Court and A7 was already granted bail by the learned Principal Sessions Court, Virudhunagar District at Srivilliputtur.



4.The learned Additional Public Prosecutor would submit 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 19.12.2021 and also the facts that the injured was discharged from the hospital, that except the offences under Sections 307 of IPC and Section 25(1A) of Arms Act, all other offences are bailable in nature, that A3 to A6 were already granted bail by this Court and that A7 was already granted bail by the Principal Sessions Court, Virudhunagar District at Srivilliputtur, 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 No.II, Sivakasi.

(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
SIVAKASI EAST POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

+1 CC to MR.S.MUNIYANDI, Advocate (SR-1538[I] dated 28/02/2022)

ORDER

IN

CRL OP(MD) No.3899 of 2022

Date :28/02/2022

SJI

MK/VR/SAR.II/28.02.2022/3P/7C